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ABSTRACT

This report considers H.R. 1013, the Education of the Handicapped Amendments of 1990, a bill that extends certain authorities of the Education of the Handicapped Act; makes amendments to the bill; and recommends its passage as amended. The Committee proposes to continue the discretionary programs of the Act, parts C through G, through fiscal year 1994, with amendments to fund research, development, dissemination, personnel training, demonstration programs, and technical assistance, all directed at the improvement of education and services for all children with disabilities. In amending the bill, the Committee also changed the name of the bill to Individuals with Disbilities Education Act. The report contains a summary of the legislation, a description of the background and need for the legislation, an explanation of the bill and views of the Committee, an inflationary impact statement, a section-by-section analysis, and an explanation of changes in existing law. The texts of the existing bill and the bill as amended by the Committee are provided. (JDD)

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HOUSE OF REPRESENTATIVES

REPORT
101-544

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EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1990

JUNE 18, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 1013]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 1013) to amend the Education of the Handicapped Act to extend certain authorities contained in such Act through the fiscal year 1992, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

The title of the bill is amended to reflect the amendment to the text of the bill.

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I. SUMMARY

In reporting H.R. 1013, the Committee proposes to continue the discretionary programs of the Education of the Handicapped Act, parts C through G, through fiscal year 1994. The bill basically continues these very successful programs, with amendments to fund

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research, development, and dissemination, personnel training, demonstration programs, and technical assistance, all directed at the improvement of education and services for all children with disabilities.

II. Background and Need for the Legislation

LEGISLATIVE HISTORY

The Education of the Handicapped Act (hereinafter referred to as EHA or "the Act") includes parts A through H. Part A includes general provisions, including definitions. Part B of the Act, the State-formula grant program (The Education for all Handicapped Children Act, Public Law 94-142) requires each State receiving assistance to provide a free appropriate public education to all children with disabilities in the State. This part of the Act is permanently authorized. Permanent authorization of the State grants under Part B of EHA was intended to signal the Federal government's commitment to assisting the States and enforcing the principle of equal educational opportunity for individuals with disabilities.

The discretionary grant programs, parts C through G of the Act, were enacted at various times, many prior to the State grant program, and in response to different and specific concerns. These programs provide support for research and demonstrations, dissemination of information, technical assistance, and training. The main and common goal is the improvement of early intervention, special education, and related services provided to infants, toddlers, children, and youth with disabilities. Only a few of the programs provide direct services, such as the deaf-blind centers, postsecondary programs, and media and captioned films loan services. The others may directly serve small numbers of children, but only in the course of research or demonstration projects. Some of these programs focus on specific disabilities, while others address all types of disabilities. The discretionary programs are currently authorized through fiscal year 1989.

The Education of the Handicapped Act Amendments of 1986 (Public Law 99-457), the last reauthorization, significantly expanded the Act. The 1986 amendments provide for the strengthening of the preschool incentive program (section 619 of part B of EHA) by requiring States to expand preschool programs for children with disabilities from age 3 through age 5, with the goal of serving all such children by no later than fiscal year 1991. Fiscal Year 1991 Appropriations for section 619 will be spent in school year 1991-1992, because the program is forward funded. Therefore, in practical terms, the deadline for reaching the goal is interpreted to be school year 1991-1992. A new part H, also established by the 1986 amendments, authorized Federal formula grants to States for the development and implementation of statewide systems to provide early intervention services for infants and toddlers with disabilities and their families. Part H of EHA is authorized through fiscal year 1991.

The primary focus of this bill is the reauthorization of the discretionary programs.

HEARINGS AND TESTIMONY

The Subcommittee on Select Education held hearings on March 7 and April 4, 1989, and February 20, February 21, and March 26, 1990, to consider the reauthorization of the discretionary programs of the EHA.

Testifying at the March 7, 1989, hearing in Washington, D.C., were: Mary Wagner, Director, National Longitudinal Transition Study; Rosalyn Simon, Educational Consultant on Minority Issues; Marilyn Johnson, Director, Indian Rehabilitation Research and Training Center; Patricia Mann, Student, George Washington University; Ginger Greaves, IMPACT-HI; Larry Stewart, psychologist; Larry Siegal, an attorney specializing in Special Eduation law; Marc Maurer, President, National Federation of the Blind; Philip Hatlen, Chair, Joint Action Committee of Organizations of and Serving the Visually Handicapped; and Helene Gruber, President, Association of Children and Adults with Learning Disabilities.

On April 7, 1989, in Washington, D.C., the Subcommittee heard testimony from the following witnesses: Steven Forness, Coalition of Special Education and Mental Health, U.C.L.A. Department of Psychiatry and Biobehavioral Sciences; Rodrick McDonald, National Coalition of Deaf-Blindness; Dr. Donna Dickman, Co-Chairperson, Council of Organizational Representatives; Scott Marshall, Director of Governmental Relations Department, the American Foundation for the Blind; Justine Maloney, Executive Committee, Association for Children and Adults with Learning Disabilities; Ms. Pamela Burns, Executive Director, New York State Head Injury Association, Inc.; William Carriker, Professor of Special Education, the Curry School of Education, University of Virginia; Michael Morris, Director, Community Services Division, United Cerebral Palsy Association; Maude Chater, President, U.C.P. of Vermont; James B. Gardner, Sr. Vice-President, Association for Retarded Citizens of the United States; and Fred Orelove, Associate Professor, Division of Educational Services, Virginia Commonwealth University.

On February 20, 1990, in Washington, D.C., the Subcommittee heard testimony from the following witnesses: Dr. Robert R. Davila, Assistant Secretary for Special Education and Rehabilitative Services, U.S. Department of Education; B. Joseph Ballard, Director, Office of Governmental Relations, the Council for Exceptional Children; Norena Hale, President, the National Association of State Directors of Special Education; Virginia Richardson on behalf of the Consortium for Citizens with Disabilities Task Force on Education; Dr. James R. Yates, Chairman, Department of Special Education, University of Texas; Dr. Norma J. Ewing, Chairperson, Department of Special Education, Southern Illinois University; and Georgia McMurray, Certified Social Worker, New York City.

On February 21, 1990, in Washington, D.C., the Subcommittee heard testimony from the following witnesses: Carol Valdivieso, Project Director, National Information Center for Children and Youth with Handicaps; Dr. Karen Wolffe, Texas Transition Services Task Force; Mr. Davis Schwartzkopf, Assistant Commissioner, Division of Rehabilitation Services, Department of Jobs and Training, St. Paul, Minnesota; Dr. Frank Rusch, Director, the Transition

Institute; Robert Snowden, Field Coordinator, Project Workability, Sacramento, California; Dr. Kevin Dwyer, on behalf of the National Association of School Psychologists; Dr. Irwin Hyman, on behalf of the American Psychological Association, accompanied by Steven Allison, a 7th grade student with disabilities from Maryville, Tennessee and his mother, Mrs. Sharon Allison.

On March 26, 1990, at the Federal Building in New York City, the Subcommittee heard testimony from the following witnesses: Thomas B. Neveldine, Assistant Commissioner, Office for Education of Children with Handicapping Conditions, New York State Education Department; Celeste S. Owens, President, Deaf Enterprises, Inc.; Sara Smith, Advocates for African-American Children; Antionette Parmet, Co-Chairperson, School of Social Work Committee of the National Association of Social Workers; Ira Kurland, Chairperson, Social Workers and Psychologists Chapter, the United Federation of Teachers; Dr. Beth Bernstein, Supervisor of Psychologists and Social Workers, District One of New York City; and Mary Eckles, Social Worker, Agency for Child Development, Brooklyn, New York.

COMMITTEE ACTION

On February 9, 1989, Mr. Owens introduced H.R. 1013, the "Education of the Handicapped Amendments of 1990" (hereinafter referred to as "the bill"), to reauthorize parts C through G of the Education of the Handicapped Act (discretionary programs). The bill was referred to the Subcommittee on Select Education.

On May 3, 1990, the Subcommittee met in open session and unanimously reported H.R. 1013, with amendments, to the full Committee on Education and Labor.

On May 16, 1990, the Committee on Education and Labor met in open session and considered H.R. 1013. By unanimous voice vote, the Committee ordered the bill favorably reported, as amended.

III. Explanation of the Bill and Committee Views

DEFINITIONS

Section 101 of the bill modifies the definition of the term "handicapped children" under section 602(a)(1) of the Act, as revised by the bill, to include those children with autism and those children with traumatic brain injury (TBI), commonly known as head injury.

The Committee notes that "austistic condition" is included in the current definition of "handicapped children" in section 300.5 of title 34 of the Code of Federal Regulations (CFR) under the term "other health impaired." Despite this legal requirement to provide a free appropriate public education for such children, the Committee is concerned to learn that some children, who by reason of their autism require special education and related services, continue to face difficulty in receiving a free appropriate public education. By including autism in the statute, the Committee fully intends that children with autism, who by reason thereof require special education and related services, receive a free appropriate public education designed to meet their unique needs.

The Committee has further determined that autism has suffered from an historically inaccurate identification with mental illness. This inclusion of autism is meant to establish autism definitively as a developmental disability and not as a form of mental illness.

The inclusion of autism in no way diminishes the right of children and adolescents with autism to be served by competent and trained teachers and clinicians in regular schools and classrooms.

The Committee also amends the Act to create a category of Traumatic Brain Injury (TBI), sometimes referred to as Traumatic Head Injury (causing injury to the brain). The Committee has noted that there is no specific definition or reporting method or single manner of documentation to identify, to collect data on, and to track this student population accurately and cost-effectively. The category is necessary in order to ascertain student needs and requirements for education and related services, to facilitate appropriate program planning and personnel training.

TBI is one of the leading causes of disability in children and youth. The Committee recognizes that head injuries are preventable. Children and youth with TBI are particularly vulnerable to sustaining second and third injuries causing increased disabling conditions.

The Committee is aware that children and youth who sustain traumatic head injuries, causing injury to the brain, experience disabilities of a serious and complex nature. These disabilities may cause impairments in the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Too often, educators have been poorly informed and untrained in TBI; therefore, they inappropriately classify these students as mentally retarded, emotionally disturbed, or learning disabled, or some other category equally inappropriate. The lack of a proper identification process leads to the student receiving education and related services which do not ameliorate acquired cognitive and behavioral disabilities. Therefore, needed educational and related services are not provided, are not available, and very often, are not free within special education systems.

The Committee intends that children and youth with mild, moderate, and severe traumatic head injuries, who because of such disabilities need special education and related services, receive a free and appropriate public education which emphasizes special education and related services designed to meet their unique needs.

Accurate and systematic assessments are required regarding the learning abilities of children and youth with traumatic brain injury. Although children may appear to physically recover from TBI, studies document that they may sustain long-lasting impairments in areas of cognition and behavior, affecting learning and psychosocial development.

Schools should provide children and youth with access and funding for provision of appropriate neuropsychological, speech and language, and educational evaluations to provide needed information for individualized education programs (IEPs).

The Committee has been made aware that students with TBI may have normal, below or above average I.Q. and achievement

test scores, but cannot function in mainstream classes. Therefore, the Committee urges specific training for school personnel so that they better understand why special education and related services—specifically designed for these students—are needed for them and their parents.

It is the intent of the Committee to recognize the needs of persons with attention deficit disorder (ADD) by its addition to the list of handicapping conditions under the definition of "handicapped children" designated in the Education of the Handicapped Act. Under the definition, it has been placed within the category of other health impaired conditions. The Committee intends that ADD be treated as a disability and that services under the EHA not be conditioned on the presence or absence of any other condition or problem.

ADD (which includes the conditions referred to as attention-deficit hyper-activity disorder, attention deficit disorder with hyper-activity, attention deficit disorder without hyperactivity, hyperkinetic disorder of childhood) is a condition which current research indicates affects from three to five percent of the school age population. ADD, which arises in childhood and can persist through adolescence and into the adult years, is characterized by a developmentally inappropriate degree of inattention, and often, but not always, is associated with a developmentally inappropriate degree of impulsivity and/or overactivity. The disorder may result in pervasive manifestations of difficulties in attention, persistence in task performance, impulse control, control of activity level, organization, underperformance of academic tasks relative to ability, or social skills. Persons with ADD have a greater likelihood of academic difficulties than peers who do not have this disorder as exhibited by a higher degree of grade retention in school, suspension, dropout, or academic underachievement, as well as being at risk for economic underachievement, or social or emotional maladjustment.

ADD is not the result of serious emotional disturbance, learning disability, gross brain damage, psychosis, autism, pervasive developmental disorder, or mental retardation. The disorder may coexist with other handicapping conditions, such as a specific learning disability or a serious emotional disturbance, but can also exist in the absence of these disorders.

Children with ADD require special education depending upon the severity of the disorder and the presence of coexisting disabling conditions. Because of the unique nature of their disorder, children with ADD will frequently require educational interventions that are very different from those commonly used with children with specific learning disabilities, serious emotional disturbance, or other disabling conditions. Teachers will have to be educated to recognize the characteristics of ADD and will need training in the educational management of children with this disorder as well as familiarity with standard medical and psychological treatments. Such educational interventions may include, but are not limited to: curriculum modifications to adjust for the child's attention deficits, programs designed to reduce off-task and impulsive behavior, cognitive training programs to teach problem-solving skills to enhance

self-control, social skills training programs, organizational skills training programs, or counseling programs.

The bill also amends section 602(a)(17) to include the term "social work services" under the definition of "related services" to encourage state and local educational agencies to utilize social work services where needed. Despite the fact that social work services are explicitly included in the definition of related services in the regulations implementing the Act (34 CFR 300.13), the Committee has received testimony from the National Association of Social Workers of cases of State educational agencies not providing for delivery of needed social work services due to a presumption that social work services are not a related service. This addition clarifies the issue. According to a 1988 Office of Special Education Programs study, only 40% of local educational agencies provide social work services. This underrepresentation detracts from the success of special education services. Social workers play an important role in assisting special education students to adapt to their environment by working with families and individuals, helping students develop linkages to other community supports, and providing counseling, assessment, and case management services. The Committee feels that it is critical that schools make appropriate use of their services, and urges the Secretary to ensure that State and local educational agencies provide social work services when needed and base the IEP recommendations on the individual student's need for social work services, rather than on the perceived availability of such services.

The bill amends Section 602(a)(17) to specifically include "rehabilitation counseling." Both the House and Senate committee reports of the EHA Amendments of 1986 included language clarifying the intent of Congress to include rehabilitation counseling as a related service. Again, the Committee has received testimony of the continuing limited access to the services of rehabilitation counselors for children and youth with disabilities.

Rehabilitation counseling is a counseling profession with a specific focus on disability, including career development and employment preparation of people with disabilities. As a result, rehabilitation counseling is an important related service in special education as well as an important transition service in preparing students with disabilities for employment or postsecondary education. It is the intent of the Committee that rehabilitation counseling be considered a related service and be provided to all students with disabilities for whom this service is necessary for the achievement of the individualized education program.

It is also the intent of the Committee to have rehabilitation counseling considered as an allowable transition service. School rehabilitation counseling is an important component of transition services because none of the other professionals involved in special education have the clear responsibility for transition planning and preparation. Furthermore, the rehabilitation counseling discipline embodies the wide range of knowledge needed for successful school to work transition, i.e., vocational implications of disability, career development, career counseling for individuals with disabilities, job placement, and job modification. Therefore, rehabilitation counselors are professionally prepared to provide the appropriate counsel-

ing services as well as to coordinate the services of the special education disciplines, adult services providers, and postsecondary education agencies to ensure effective, planned transition services for students with disabilities.

The rehabilitation counseling profession is distinct from, and should not be confused with, the State-Federal rehabilitation program, which provides vocational rehabilitation services under the authority of the Rehabilitation Act of 1973, P.L. 93-112, as amended. However, the provisions of this bill regarding rehabilitation counseling do not relieve state vocational rehabilitation agencies or special education programs of their responsibilities of cooperative transition planning and programming. The Committee recognizes that because the State-Federal vocational rehabilitation program is an eligibility program and not an entitlement program, there is no guarantee that cooperative agreements between vocational rehabilitation and special education will ensure that all students with disabilities who need rehabilitation services will receive such services. However, the specification of rehabilitation counseling as a related service and consideration of rehabilitation counseling as an allowable transition service adds rehabilitation counselors to the cadre of related service and transition professionals who can be employed by school districts based on individual district needs. Although these provisions do not mandate employment of rehabilitation counselors, they provide school districts with an option that had not been widely available to students with disabilities in the past.

The Committee also amends the definition of "public or private non-profit agency or organization," under section 602(a)(24)(A), to include the Bureau of Indian Affairs (B.I.A.) and tribally-controlled schools funded by the Department of the Interior. This reverses the Department of Education ruling which rendered them ineligible to apply for funds under parts C through G of the Act.

The Committee bill further amends Section 101 of the Act to add definitions of "assistive technology service" and "assistive technology device." The Committee is aware that since passage of the Education of the Handicapped Act, advances in the development and use of assistive technology have provided new opportunities for children with many disabilities to participate in educational programs. For many children and youth with disabilities, the provision of assistive technology devices and services will redefine an "appropriate placement in the least restrictive environment" and allow greater independence and productivity. However, the Committee recognizes that (1) there continues to be a gap between the need for assistive technology and the level of awareness among special education and related services personnel of the existing devices and services available for students with disabilities, and (2) there continues to be confusion among the various disciplines regarding the vocabulary of terms used in reference to technology-related programs and services.

The Committee bill incorporates definitions for assistive technology service and assistive technology device in order: (1) to clarify the broad range of assistive technology devices and related services that are available, and (2) to increase the awareness of assistive technology as an important component of meeting the special edu-

cation and related service needs of many students with disabilities, and thus enable them to participate in, and benefit from, educational programs. The definitions for "assistive technology device" and "assistive technology service" are derived from the Technology Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100–407.

The Act continues present law which provides for education-related recreation opportunities for students with disabilities in the most integrated setting possible. The Committee further recognizes that students with disabilities have unique leisure needs which require specialized assessment and education services to allow them to develop, to the maximum extent feasible, fulfilling, independent leisure lifestyles.

To facilitate this goal, the Committee believes that every effort should be made by public school systems, in cooperation with public park and recreation systems and others, to employ and utilize therapeutic recreation professionals to evaluate, plan, and administer the recreation component of an individual's education plan. While related disciplines may use recreation as an element within their scope of practice, the Committee believes that specialized skills are necessary to competently assess and treat students with disabilities within the recreation mode and to ensure the safe participation of students with disabilities in recreational activities. Therapeutic recreation specialists have received appropriate education and training in the delivery of therapeutic recreation services, with demonstrated competency through professional certification.

The Committee action should increase the availability of qualified therapeutic recreation personnel to provide appropriate and intensive recreation services to individuals with disabilities in educational settings. The availability of these services will increasingly provide students with disabilities the skills necessary to participate in other integrated social and community settings and thus further enhance their quality of life.

Each year nearly one-quarter of a million special education students 16 years or older exit the educational system. Less than one-half graduate with a high school diploma and nearly sixty thousand drop out of school.

These individuals will move from school into adult life with varying degrees of success. Some will go to college, some will enter vocational training programs, while others will enter the workforce and some will qualify for vocational rehabilitation services. Unfortunately, others will exit our nation's schools into nothing. Years of special education will be wasted while these individuals languish at home, their ability to become independent and self-sufficient (therefore making a positive contribution to society) placed at significant risk. The Committee sees such an outcome as highly undesirable. Although not fully responsible for ensuring an appropriate entrance into the adult world, school systems must do more to address the transition of special education students into adulthood.

Toward this end, the Committee has added a definition of "transition services" in Section 602(a)(19) of the Act. Although the Committee acknowledges there can be, and indeed are, a number of transitions during a special education student's school years, this definition of "transition services" is aimed at preparing students

(soon to leave school) for employment, postsecondary education, vocational training, continuing and adult education, adult services, independent living, or community participation. The great variations of disabling conditions and levels of severity require such a broad approach. The definition anticipates a coordinated set of activities for each student, based upon the student's needs and taking into account the student's preferences and interests. Such activities would include, but not be limited to, instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, the acquisition of daily living skills and functional vocational evaluation. Schools would be expected to develop such activities within an outcome-oriented process, thus enhancing a young adult's chances to achieve an adequate level of self-care, independence, self-sufficiency, and community integration.

The Committee requires that schools include a statement of needed transitional services in the IEPs of all students 16 years of age and over, and to the extent appropriate, for students age 14 or younger.

Although this language leaves the final determination of when to initiate transition services for students under age 16 to the IEP process, it nonetheless makes it clear that Congress expects consideration to be given to the need for transition services for some students by age 14 or younger. The Committee encourages this approach because of their concern that age 16 may be too late for many students, particularly those at risk of dropping out of school and those with the most severe disabilities. Even for those students who will stay in school until age 18, many will need more than two years of transitional services. Students with disabilities are now dropping out of school before age 16, feeling that the education system has little to offer them. Initiating transition services at a younger age will be critical.

For the 1986–87 school year, States reported that one quarter of the special education school exiters were dropouts *(U.S. Department of Education, Eleventh Annual Report to Congress on the Implementation of the Education of the Handicapped Act).* The highest drop-out rates were reported for students with serious emotional disturbance, and for this disabling condition, more students exited by dropping out than by any other means. This is the only disabling condition for which more drop-outs were reported than graduates. Drop-out rates are also high for students with learning disabilities. Generally, drop-out rates are higher for minorities than for whites. More than 50% of minority students in large cities drop out of school.

It is also necessary to consider the need for transition services for students with severe cognitive and multiple disabilities before they reach age 16. These students will not drop out of school, but before they age out, they must have time to develop the essential skills which will be critical for them throughout their lives. Transition services for this population must be considered, planned, and provided over a multi-year time period.

The Committee points out that the inclusion of a definition of "transition services" and the inclusion of language with respect to transition services in the definition of the individualized education

program do not constitute new provisions of law. Rather, these inclusions provide clarification and focus to already existing requirements of law dating back to the enactment of P.L. 94-142, the "Education for All Handicapped Children Act of 1975." The Committee expects that schools, when developing a child's individualized education program each year, will (a) consider the post-school outcomes desired for that student, and (b) provide educational and related services designed to prepare the student for achieving these outcomes. This process should begin as early as possible in a child's life and must be reflected in the IEP (by no later than age 16) as a statement of the transition services to be provided.

The Committee wishes to emphasize that the schools are not being asked to do what they are not intended to do. For instance, the schools are not expected to become job placement centers. However, there are many employment and employment related activities which are appropriately provided by and funded through the local education agency. In addition, the schools should facilitate linkage with other public agencies in the transition to independent living, job training preparation, vocational rehabilitation, and post-secondary education. That is why the Committee has taken great care in its choice of the words, "which promotes movement," in the definition of transition services. The Committee expects schools to familiarize themselves with the post-school opportunities and services available for students with disabilities in their communities and State, and make use of this information in the transition planning for individual students. By doing so, schools can facilitate linkage with agencies when needed by students, can ascertain requirements for access to, and participation in, the opportunities offered by these agencies, and thus can effectively communicate this information to students and their families, and identify ways in which they can prepare students with disabilities to take advantage of these opportunities.

Specifically, with respect to "a statement of the interagency responsibilities," the Committee feels that for many students, such a statement will be necessary to ensure a smooth transition from school to adult life. However, the Committee wishes to stress that the responsibility for developing and implementing interagency participation is an administrative-level responsibility and should not be delegated to the already heavily-burdened teacher. Further, the Committee intends that any such statement within the IEP should include a commitment by any participating agency (i.e., the State or local rehabilitation agency) to meet its financial responsibility in the provision of transition services. The local education agency should not bear the costs of transition services which according to the IEP would have been borne by another participating agency. In circumstances where another participating agency fails to provide agreed upon services, it is the Committee's expectation that the local education agency will reconvene the IEP team to identify alternative strategies to meet the transition objectives.

It is the intention of the Committee that a school district not be held liable for the failure of another agency to implement those transition services contained in the IEP which are not within the legal responsibility of public education and that are designated as the responsibility of the other agency. It is the intention of the

Committee that the preparation of students with disablilities for movement from school to post-school environments not be the sole responsibility of public education. The purpose of the optional statement pertaining to interagency linkages is to communicate shared responsibility.

Finally, with respect to the definition "nonprofit agencies" under section 602(a)(12) of the Act, the Committee made no change to the legislative language. However, the Committee supports a broad interpretation of this term, to include agencies such as Intermediate Education Units in States and local educational agencies. This would allow these groups to compete for grants, such as those under Part D, relating to personnel development.

WAIVER OF STATE IMMUNITY

On June 15, 1989, the Supreme Court, in a 5–4 decision (*Dellmuth v. Muth*) held that children with disabilities who are denied a free appropriate public education by any State are not entitled to be reimbursed for tuition paid by their parents for placement in an appropriate program. The Committee has determined that the Supreme Court misinterpreted Congressional intent. Such a gap in coverage was never intended. It would be inequitable for EHA to mandate State compliance with its provisions and yet deny litigants the right to enforce their rights in Federal courts when State or State agency actions are at issue.

Section 3 of the bill adds a new section 604 to the Act to clarify that Congress intends that States are not immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for violation of the Act. In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such violations to the same extent as remedies are available for any violation in a suit against public entities other than a State.

The bill also makes it clear that this clarification takes effect with respect to violations that occur in whole or in part after the date of enactment of the "Education of the Handicapped Act Amendments of 1990."

ADMINISTRATIVE PROVISIONS

Section 103 of the bill amends Part A by adding a new section 610. It is the belief of the Committee that this new section is necessary to assist the Secretary in long-range planning for the programs authorized under the Act; to evaluate the effectiveness of these programs and provide feedback regarding the planning process; and to ensure that the results and new knowledge developed under these authorized programs receive maximum dissemination.

The new section 610(a) directs the Secretary to institute a program planning process for the implementation of each of the programs authorized under Section 618 and parts C through G. The Committee believes that this process should assist the Secretary in determining the goals, objectives, strategies, and priorities of these programs. The Committee further directs the Secretary to obtain broad input from individuals with disabilities, parents of individuals with disabilities, professionals, and representatives of State

and local educational agencies, private schools, institutions of higher education, and national organizations who have an interest and expertise in the program.

Sections 610(b) and 610(c) direct the Secretary to conduct independent evaluations of programs authorized under section 618 and under parts C through G, and to report the results of these evaluations to the appropriate committes of the Congress. The Committee is concerned that the Department of Education has not adequately monitored recipients of discretionary funding in the past. It is the Committee's intent that the Secretary shall conduct evaluations for the purpose of improving the discretionary programs, and to ascertain that the programs are in fact meeting their goals and objectives. It is the Committee's intention that the results of these evaluations be submitted to the appropriate Congressional committees.

Section 610(d) directs the Secretary to develop effective procedures for acquiring and disseminating the information derived from programs and projects funded under parts C through G, as well as information generated from studies conducted and data collected under section 618. The Committee has determined that this information has not been widely or effectively disseminated in the past. In their report to the President, the National Council on Disability found that services were not available to meet the needs of the disadvantaged, minority, and rural families who have children with disabilities. These groups could positively benefit from information derived from the discretionary programs under parts C though G. The Committee has ascertained that effective dissemination components exist within regional resource centers, clearinghouses, and technical assistance projects of the discretionary programs to assure wide dissemination of project and program outcomes.

Section 610(e) instructs the Secretary, where appropriate, to require recipients of grants, contracts, and cooperative agreements under section 618 and parts C through G to prepare reports describing their procedures and other relevant information relating to such grants, contracts, or cooperative agreements, in a form that will maximize the dissemination of such procedures, findings, and information and its use by providers of special education, related services and early intervention, as well as administrators, researchers, the parents of children with disabilities, and others.

The Secretary shall require the recipient of a grant, contract, or cooperative agreement to deliver such procedures, findings, and information to appropriate networks that exchange knowledge and practice information about special education, related services, and early intervention for individuals with disabilities. The Committee intends that such information networks shall include, at a minimum, the regional and federal resource centers, the clearinghouses, and the technical assistance to parent programs project assisted under parts C and D of the Act. Other networks may include the National Diffusion Network, the ERIC Clearinghouse on Handicapped and Gifted Children, and the Child and Adolescent Service Systems Programs (CASSP) under the National Institute of Mental Health, and any other appropriate networks. The Committee realizes that all information may not be relevant to these various networks and the constituencies they serve. Therefore, the Secretary

is authorized to determine and indicate to the grantees or contractors which networks should be a recipient of their information.

Section 643 (a) through (c) ("Panel of Experts") has been relocated to section 610(f). The Committee intends no significant change in this provision except for the inclusion of proposals under section 618 of the Act.

To counter the shortages of minority personnel and researchers, the inequitable distribution of funds among minority entities, and the lack of adequate minority representation, provisions have been inserted under section 610(g) establishing priorities for awarding grants and contracts to minority entities and implementing an outreach program. Under Part D of the Act, a line item has been established for the preparation of minority special education personnel at Historically Black Colleges and Universities and other institutions with high minority student enrollments.

The Federal Government must be responsive to the growing needs of an increasingly diverse society. A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals. Statistics on demographics, minority representation, and personnel preparation clearly indicate that this Nation is experiencing a critical shortage of minority special education and related services personnel. It is imperative that this situation be addressed to avert an even more dire situation. Without definite, planned efforts to stimulate growth in the number of minorities trained to provide services for minority students with disabilities, the Nation is likely to continue to experience what one witness termed "an accelerating shortfall of special education and related services personnel for the public schools; to serve on panels that select Federal grant awards for educational agencies; to serve on advisory boards; to participate in research relevant to the teaching and learning, particularly of minority students."

Demographics

America's racial profile is rapidly changing. In hearing testimony, Dr. James R. Yates stated that while the rate of increase for white Americans is 3.2%, the rate of increase for racial and ethnic minorities is much higher: 38.6% for Hispanics, 14.6% for African-Americans; and, 40.1% for Asians and other ethnic groups. By the year 2000, this Nation will have 260 million people; one of every three of whom will be either African-American, Hispanic, or Asian-American.

Taken together as a group, it is a more frequent phenomenon for minorities to comprise the majority of public school students. In many large cities, school populations are overwhelmingly minority, e.g., Miami, 71%; Philadelphia, 73%; Baltimore, 80%. More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population [Chinn, P.C., and Hughes, S., (1987). Representation of minority students in special classes. *Remedial and Special Education, 8,* (4), 41–46].

Overrepresentation

In 1982, Dr. Mercer reported findings of the Stanford Research Institute Study which concluded that poor African-American children are 3.5 times more likely to be identified by their teacher as mentally retarded than their white counterpart [Mercer, M.M., (1982). Reassessing the large number of black children in special education classes: A challenge for the 80's. *Negro Educational Review, 34,* (2), 52-60]. Although African-American children represent 12% of elementary and secondary enrollments, they constitute 28% of total enrollments in special education.

The overrepresentation of minorities continues to be one of the problematic issues in special education [Reschly, D.J., (1984). Beyond IQ test bias: The national academy panel's analysis of minority EMR overrepresentation. Educational Researcher, 13, (3), 15-19] [Maheady, L., (1983). Minority overrepresentation: A case for alternative practices prior to referral. *Learning Disability Quarterly, 6,* (4), 448-456]. This ethnic disproportion has been reported across the country. Most researchers maintain that this is due primarily to a biased testing process. Maheady et al. (1983) expressed concern about the selection process for item inclusion in standardized tests, the sample used in norming, and the validation of these tests. Furthermore, conventional standardized tests are steeped in the ethics and perspectives of the white, middle-class American culture. While attempts have been made to ameliorate the testing process—such as the development of effective alternative testing procedures which are "culture-fair" or "culture-free" (e.g., the System of Multicultural Pluralistic Assessment)—these methods have done little to significantly reduce overrepresentation.

Individual, cultural, and institutional racism has, over the years, lead to poverty or low socioeconomic status for a preponderance of African-Amercans and Hispanics. This has bred poor maternal, pre- and post-natal health care and nutrition, which in turn leads to health problems and developmental delays. These socio-biological factors may be exacerbated by institutional inequities, e.g., inappropriate referrals by insensitive and underprepared teachers and systematic bias in the standardized testing process and policies. Taken together, these phenomena are implicated in elevating the incidence of disabilities among minorities. What we are faced with is a large population of minority children with disabling conditions for whom there are few role models.

Personnel preparation

According to the National Clearinghouse for Professions in Special Education, 10 years ago approximately 12.5 percent of the United States teaching force in public elementary and secondary school were members of a minority group. At that time, minorities comprised 21.3 percent of the national population and were clearly underrepresented among employed teachers.

Today, the elementary and secondary teaching force is 3 to 5 percent minority, while one-third of the students in public schools are minority children. Though African-American students constitute 28% of the total enrollment in special education, only 11.2% of preservice special education teachers are African-American.

Recruitment efforts within special education at the level of preservice, continuing education, and practice must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of special education.

In 1989, of the 661,000 college and university professors, 4.6% were African-American and 3.1% were Hispanic. Of the 3.6 million teachers, pre-kindergarten through high school, 9.4% were African-American and 3.9% were Hispanic. Students from minority groups comprise more than 50% of K–12 public school enrollment in seven states, yet minority enrollment in teacher training programs is less than 15% in all but six states.

As the number of African-American and Hispanic students in special education increases, the number of minority teachers and related service personnel produced in our colleges and universities continues to decrease.

During our hearings, extensive testimony was provided indicating that as recently as 1984–85, Historically Black Colleges and Universities (HBCUs) supplied nearly half of the African-American teachers in the Nation. However, in 1988, HBCUs received only 2% of the discretionary funds for special education and related services personnel training. In 1986–87, of the degrees conferred in education at the B.A., M.A., and Ph.D. levels, only 6, 8 and 8 percent, respectively, were awarded to African-American or Hispanic students.

To summarize the situation, there is a critical shortage of minority special educators. There is a high minority student enrollment in special education and this number is on the rise while the number of minority teachers and related services personnel in special education is declining. A very small percentage of preservice minority teachers is entering special education.

Minority children do not see themselves reflected in the instructional workforce at their schools. Our schools need more minority teachers to serve as mentors to students in dire need of cultural validation and academic encouragement.

Mentoring is a process by which persons of superior rank, special achievement, and prestige, instruct, counsel, guide, and facilitate the intellectual and/or career development of persons identified as proteges. This process works—students in mentoring settings complete school requirements and graduate.

Ample testimony was provided that suggests that in addition to serving as role models and performing a vital mentoring function, minority personnel in predominantly Caucasian systems can also help foster interracial acceptance and understanding.

Minority mentors have vested interests in the community and are sensitive to the needs of minority youth. All students should be exposed to positive minority role models and could benefit from the experience of having a minority teacher. The race and background of their teacher tells students something about power and authority in contemporary America. These messages influence childrens' attitudes towards school, their academic accomplishments, and their views of their own and others' intrinsic worth. The views they

form in school about justice and fairness also influence their outlook as citizens.

These conditions can be greatly improved by providing opportunities for the full participation of minorities through the implementation of a policy to mobilize the Nation's resources to prepare minorities for careers in special education and related services. This policy should focus on the recruitment of minorities into teaching and provide financial assistance to HBCUs and other institutions of higher learning with high minority enrollments, including Tribally Controlled Community Colleges, in the form of aid for grants and fellowships. HBCUs have consistently addressed the needs of the minority community and the Nation and, today, their significant role in teacher preparation has not diminished.

The Committee also supports "capacity building" for these institutions by providing them with technical assistance to enhance their ability to compete for grants, contracts, and cooperative agreements. The Committee fully anticipates that OSERS will provide adquate resources and qualified staff to expedite the implementation of these policies. The Secretary must ensure sufficient full-time staff to be specifically assigned to this project.

Assistant Secretary Davila gave testimony that a special effort was being made by the Department of Education to solicit grant applications from HBCUs and other institutions with high minority enrollments; further, that the Department was sponsoring technical assistance and training programs for personnel from these institutions on grant programs and application procedures. The Chairman of the Subcommittee conducted a review of information submitted by the Department for the record and conducted a survey of HBCUs, based on that information, which indicated that the Department's efforts, to date, have been ineffective. Approximately 50% of the HBCUs responded to the survey, and over 95% of them indicated that they had either had no contact from the Department or received a grant announcement only. Given the variety of activities in which the Department could have engaged, the Chairman concluded that the efforts to enhance minority participation in the personnel preparation competition were woefully lacking in commitment—neither comprehensive nor systematic.

Much research documents the rapidly growing number of children from minority language backgrounds in our schools and raises concerns about whether these students are getting appropriate educational services. For example, in February, 1990 in *School Success for Limited English Proficient Students: The Challenge and State Response*, the Council of Chief State School Officers (CCSSO) noted that depending on the definition of English proficiency employed, anywhere from 1.2 to 5.3 million (with the most accepted figure being around 3.5 million) limited English proficient children require special assistance in school. By the year 2000, the number of school-aged children of non-English language background is expected to increase by 40%, compared with 16% for the general population. CCSSO reported that State and local education agencies often failed to provide appropriate education services to limited-English proficient students and identified barriers to providing appropriate education.

In line with other research, CCSO found that "many LEP students appear to be inappropriately placed in special education classes for the learning disabled and speech impaired." The CCSSO points out:

> . . . there is a gap between what researchers have learned about the dynamics of second language acquisition and the practices in effect in our schools. One example of this is that although research suggests that it takes from five to seven years to become proficient in a second language, LEP students who do receive bilingual education or ESL (English as a Second Language) services are generally mainstreamed into English classrooms after no more than two to three years without additional language support services.

This often leads to discrepancies in academic performance and raises issues in providing appropriate services. For example, a March 1989 CCSSO survey of State special education directors found that a large majority of the responding States had no guidelines describing how local school districts should service these students. Nearly half of the States responding to questions about barriers to serving LEP children pointed to the lack of expertise on the local level as the greatest problem. Several States cited the lack of inservice training as an impediment to the effective statewide delivery of special education services to LEP students. The subsequent February 1990 CCSSO study states, "We believe it is particularly important to pursue better information on the issues of identification and misclassification in special education because of the gravity of the potential long-term effects of improper identification or classification on a child's educational career."

It is the intent of the Committee to mandate that research, training, dissemination, and other activities conducted under this Act meet this challenge to raise awareness and provide the knowledge and skills necessary to improve referral, assessment and placement, and to encourage greater program coordination and provision of appropriate services to children and youth from minority language backgrounds.

SETTLEMENTS AND ALLOCATIONS

The Committee has long been concerned with the level of services provided to Indian children with disabilities residing on reservations. Committee findings reveal that residence on an Indian reservation dooms a child with disabilities to a second-class service delivery system. This situation is even more severe for children ages 3–5.

Prior to 1986, services for children ages 3–5 were left to the discretion of the individual States. The Bureau of Indian Affairs (B.I.A.) refused to provide such services unless required for State accreditation of schools operated by the B.I.A.

In 1986, such services were made mandatory for all States, to be phased in by 1991. The B.I.A. was directed to begin immediate compliance, and the B.I.A. set-aside was increased to offset the additional cost.

The B.I.A. opposed what they alleged was an "expansion" of its service population, pleading lack of funds and administrative capability. In 1987, the B.I.A. sought the most restrictive interpretation of eligibility for preschool services. The B.I.A. put forward the idea that only children "destined" to attend B.I.A. schools should be its responsibility, with the States responsible for everyone else. Since it is impossible to determine where a child of 3 will ultimately attend school (even on reservations, 66–75% of children attend public schools), this interpretation was dropped.

In late 1988, the B.I.A., after consultation with the Department of Education, limited its preschool services to children on reservations which had a B.I.A.-funded school, arguing that, at least theoretically, these children could "end up" in a B.I.A. school, and that this limitation was consistent with its limited responsibility.

Prior to implementation of this interpretation, however, the B.I.A. authorized, and entered into, 21 contracts during FY 1988 and FY 1989 with tribes and public schools/Headstart programs (most in the Northwest) to service children with disabilities from reservations without B.I.A. funded schools.

In January 1989, the Interior Solicitor told the B.I.A. that it would have to terminate the contracts immediately, since, in the opinion of the Solicitor, the B.I.A. lacked authority for these programs. The B.I.A. Education Division strenuously objected to this, and the tribes argued that such a disruption of services this far into the year would be devastating. However, despite concerns expressed by this Committee and others regarding the equity of such an action and its practical wisdom, the contracts were terminated. The Committee amendment to section 611(f) reinstates the eligibility of the entities which had received these contracts.

During this same period, the B.I.A. implemented its own program for children ages 3–5. Problems immediately were reported with the child-find mechanisms, the formulation of individualized education programs, and the provision of the services required by those plans.

A recent General Accounting Office (G.A.O.) report outlined the severity of the problem. Less than one-third of the Bureau's acknowledged service population are receiving any services at all. Of these, 24% were receiving fewer services than called for by their IEPs, and many IEPs were either inadequate or did not include proper services for the child's disabling condition. Furthermore, the G.A.O. estimated that there are another 5,500–9,800 children with disabilities between the ages of 3–5 (who live on reservations without B.I.A. schools), most of whom are receiving no, or inadequate, services.

The G.A.O. cites a number of reasons for this condition, but chief among them are lack of funding and qualified personnel and the lack of a plan to coordinate services between the States, the B.I.A., Indian Health Service, and other social service entities, including tribes and Headstart programs.

The Committee has responded to this G.A.O. report by withdrawing its original provision which amended section 611(f) and required the B.I.A. to immediately assume responsibility for, and provide services to, all preschool children with disabilities of Federally recognized tribes, whether or not a reservation is served by a

B.I.A.-funded school. The Committee realized that its original idea of making B.I.A. responsible for these students on reservations, while a simple answer, would probably exacerbate the problem. Therefore, at Full Committee Mark-Up, an amendment was adopted to require the Bureau to develop a plan to see that one of the entities named above takes responsibility for providing all the services (either jointly or in concert with others) to which Indian children with disabilities are entitled under the law. The Bureau may include provisions for a number of different delivery options at the local level. The Committee believes that such a plan should find that the Bureau must stand as a "provider of last resort." The Committee will re-examine this issue and the Bureau's proposal during the Congressional action on this program next year.

STATE PLANS

Section 202 of the bill strengthens section 613(a)(3) of the Act, relating to the comprehensive system of personnel development required under each State plan. The Committee is deeply concerned with the growing critical shortages of qualified special education personnel, as well as related service personnel.

In *the Twelfth Annual Report to Congress on Implementation of the Education of the Handicapped Act*, the Secretary of Education notes: "The demand for special education personnel has grown in the years following the passage of EHA-B, as states and school districts deliver increasingly varied services to school-aged children and extend services to younger and older children with disabilities. . . . State data on personnel employed and needed show a priority need for more special education teachers and other staff." The same report indicates that 29,774 additional teachers were needed to fill vacancies and replace uncertified staff for students with disabilities (ages 3 to 21 under EHA and birth to 20 under ESEA, Chapter 1) during the 1987–88 school year. During the same time period, States reported needing 15,571 additional staff other than teachers, an increase of 27.1% over the number needed in 1986–87.

A broad coalition of national organizations presented testimony that documented the growing critical shortages of qualified special and related services personnel and raised questions about future capability to guarantee children and youth with disabilities a free appropriate public education as required under this Act. The Coalition prefaced their recommendations with the following statement: "It is our belief that it is not too late to solve this problem; but to do so will require a coordinated significant effort on the part of professional associations, state and local education agencies, colleges and universities, the Federal government, and the private sector."

A panel that appeared before the Subcommittee concluded that in addition to providing funding to HBCUs for special education personnel preparation, a mechanism must be developed to ensure that other institutions of higher education become more accountable for training minority teachers.

The Committee believes that it is critical that priority be given to the problem and encourages the Secretary to develop and imple-

ment a plan, utilizing the broad authorities under this Act, to address this problem. It is expected that the Secretary will develop and implement such a plan in a coordinated manner as recommended by the Coalition.

The bill specifies two major components that must be included in a State's comprehensive system of personnel development (CSPD). First, the CSPD must include a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel. More specifically, this description must include the development and maintenance of a system for determining, on an annual basis, (a) the number and type of personnel employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis who do not hold appropriate State certification or licensure, and (b) the number and type of personnel, including leadership personnel needed and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other departures of personnel from the field, and other relevant factors.

This component of the comprehensive system of personnel development must also include the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, the numbers of students enrolled in such programs, and the numbers who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure.

In addition, the first component of the CSPD must include the development, updating, and implementation of a plan that (a) will address current and projected special education and related services personnel needs, including the need for leadership personnel, and (b) coordinate and facilitate efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority and disadvantaged backgrounds, and personnel with disabilities.

Several researchers who gave testimony noted that there is a critical shortage of minority teachers and related services personnel and recommended that colleges and universities take affirmative actions to ensure that attempts to graudate minority teachers are successful. The Education Commission of the States also recommends that colleges and universities make their commitment to minority student success obvious by providing mentoring, minority support offices, programs, and networking services.

The second component of the comprehensive system of personnel development is a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out part B of the Act are appropriately and adequately prepared. This includes (a) a system for the continuing education of regular and special education and related services personnel; (b) procedures for acquiring and disseminating to teachers, administra-

tors, and related services personnel significant knowledge derived from education research and other sources; and (c) procedures for adopting, where appropriate, promising practices and materials, as well as technology.

In establishing these requirements for the State CSPD, the Committee sets forth the minimum essential components for the system. It is expected that States, in developing their own systems, will expand upon these requirements to assure that they have an adequate capacity to meet their own unique needs.

The Committee also amended section 632 to authorize States to utilize funds under that section for developing and maintaining the CSPD and to support recruitment and retention efforts. The Committee notes that since the enactment of Public Law 94-142 in 1975, participating States have had a responsibility to assure an adequate supply of qualified personnel and to operate effective CSPD systems. In authorizing the use of funds under section 632 for the development and maintenance of a CSPD system, it is the Committee's intent to supplement and strengthen, rather than supplant, present State efforts.

Just as the Committee is aware of the seriousness of the personnel shortage, the Committee is fully cognizant of the fact that it will take States time to fully implement these requirements. The Committee expects that the Secretary, in conducting Federal State plan reviews and monitoring activities under part B prior to fiscal year 1992, will require States to demonstrate that they are making progress toward full implementation by fiscal year 1992.

The Committee notes that the resources necessary to prepare a sufficient number of qualified personnel and the system for doing so is not always under the authority of the State educational agency. For example, a State board of regents or a board of higher education may control the determination of what personnel preparation programs will be available and may control funding for such programs. Section 613(a)(13) of the Act currently requires the States to set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies on matters pertaining to the implementation of part B. The Secretary is authorized to require States to demonstrate that they have such agreements in place. The Committee expects the Secretary to require each State to develop the interagency agreements that are necessary for the State to effectively implement its comprehensive system of personnel development.

In developing regulations for this section, the Committee expects that the Secretary will actively involve representatives from State educational agencies, local educational agencies, institutions of higher education, and professional associations.

ADMINISTRATION

Section 203 of the bill amends section 617 of the Act by adding a new subsection. Testimony before the Committee emphasized the importance of accessing information generated from the programs and projects funded through the discretionary programs. The Committee noted that this information is generally not readily avail-

able within the Department of Education, to members of Congress, and to the public. The Committee recognizes that a computerized management information system regarding the programs and projects funded under the discretionary programs is one mechanism by which this program information can be made available. Further information suggests that the Department is currently implementing components of such a database. Yet there is a need to further refine and extend the system, provide the necessary staff training, and to obtain necessary hardware and software. The Committee is aware of the attempts made by the Secretary in meeting the need for such a computerized management information system. If Congress is to assist the Secretary in the full implementation of such a proposed system, information is necessary regarding the Department of Education's needs. The intent of the Committee under Section 617(e) is to gather the information from the Secretary regarding such a system by conducting an evaluation study of current attempts to develop and implement a common computerized management information system within the Office of Special Education and Rehabilitative Services (OSERS) that would allow all administrative components of OSERS to categorize, index, and abstract program information for the purpose of making this information accessible to Congress, the Department of Education, and other interested parties.

Under Section 617(e), the Secretary shall conduct the evaluation study by entering into a contract or cooperative agreement within 9 months of the enactment of the Act. The Committee intends that the evaluation study shall collect information and report on its findings in the following areas: timeliness for implementation; staff training and personnel needs; costs for the dimensions of the system; design of the system; ability to analyze program information to permit trend identification, projections, and inferences, both in qualitative and quantitative terms; method of utilization of information of the database; methodologies utilized by other Federal agencies; capability to assist OSERS to improve the exchange of information on programs and projects within and outside of OSERS, the communication between projects, the defining of priorities, and grant management within OSERS; and recapture of program and fiscal information from projects funded beginning with fiscal year 1985 to the current year. The Committee intends that such an evaluation study be conducted within a 12-month period, and that the findings of such study shall be reported to the appropriate Committees of Congress, including the House Committee on Education and Labor, before the end of the 12 month period. Furthermore, Section 617(e)3(A) directs the Secretary to establish within OSERS a detailed plan for the implementation of the computerized information management system to include the system design capabilities contained within the evaluation study within 6 to 18 months after completion of such study. Finally, the Secretary is authorized to utilize funds from the National Institute on Disability and Rehabilitation Research (NIDRR) for the two fiscal years after enactment of these amendments to fund this study.

EVALUATION

Section 204 of the bill amends section 618 of the Act to focus on data collection, evaluation, implementation studies, special studies, and preparation of an annual report. It also revised the heading of section 618 to read "Evaluation and Program Information."

Under section 618(b), as revised by Section 204 of this bill, data collection requirements have been revised. The Committee understands that the collection of certain data related to the part H program, currently required to be collected from the State educational agency, has been impeded by the fact that the State educational agency in many States is not also the designated lead agency under part H. The bill directs the Secretary of Education to obtain relevant data directly from the designated lead agencies in the States under part H of the Act. Such data would include the number of infants and toddlers, in age group 0-2, in each State receiving early intervention services and the number and type of personnel that are employed in the provision of early intervention services to infants and toddlers with disabilities.

The bill restricts the collection of data from all States regarding the number of children and youth with disabilities exiting the educational system to children and youth from age 14 through 21. This change is designed to focus primary attention on the exiting status of students at the secondary school level.

For these reasons, the Committee is requiring the Department of Education to track students below age 14, by conducting a sampling that is nationally representative of children with disabilities in this age range. Gathering annual information on this group of children by utilizing this method should not be burdensome.

Section 618(b)(3) modifies the Secretary's obligation with respect to data collection requirements under section 618 to include the number of children with disabilities, exiting preschool programs under part B who enter regular education programs at the first-grade level. Currently, data is collected for children and youth in each State who are participating in regular education programs. There is a need to identify those children attending first grade who have disabilities and were previously enrolled in special pre-school programs. The data on this subset of the first grade population will assist in studying the extent to which children participating in preschool programs under part B are able to make the transition into regular education programs. This requirement will also assist in monitoring the extent to which preschool programs serve to enhance the development of children with disabilities; reduce the need for special class placement in special education programs; minimize the likelihood of institutionalization; and reduce the educational costs to our society, including our schools.

The bill deletes the current requirement in the Act that the Secretary collect data annually from the States regarding the anticipated services needed for the next year by the group of children and youth exiting the educational system. The Committee believes that the data currently being reported has limited validity. The Office of Special Education Programs is currently in the process of investigating alternative methods for gathering information on the anticipated services needs of exiting students. It is expected that

after these investigations are completed recommendations will be made to this Committee regarding how such information can be obtained and made available for use in service planning by educational and adult services agencies.

The bill clarifies that it is not intended that data regarding the number and type of personnel that are employed in the provision of early intervention services to infants and toddlers with disabilities be collected by disability. The bill deletes the existing requirement that the Secretary collect information from States on the number and type of additional personnel needed to provide early intervention services.

The bill adds a requirement that the Secretary collect from States data on the number of personnel who lack permanent certification or licensure, but who are employed to provide special education and related services to children and youth with disabilities. The bill also gives the Secretary the authority to require that data authorized by section 618(b)(5)(A) be reported in the section of the State Plan pertaining to its comprehensive system of personnel development, authorized under section 613(a)(3).

IMPLEMENTATION INQUIRIES

Section 618(c) of the Act has been revised. It authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with State and local educational agencies, institutions of higher education, other public agencies and private organizations for conducting studies, investigations, analyses and other inquiries, for the purpose of improving program management, administration, delivery and effectiveness necessary to provide full educational opportunities and early intervention for all children with disabilities from birth through age 21.

The purpose of such inquiries is to gather and analyze information necessary for achieving program and system improvements at the State and local levels. First consideration in the funding of such activities is to be given to efforts that seek to improve: (1) criteria and procedures used to identify, locate and evaluate infants, toddlers, children and youth with disabilities (especially for those from minority backgrounds) for the purpose of determining eligibility, program planning and placement (including working with parents); (2) the relationships between the placement procedures used and the outcomes of placement decisions, by disability category and severity of disability, as in the case of infants, toddlers, children and youth with the most severe disabilities; (3) planning and delivery of services to infants, toddlers, children and youth with disabilities at points of transition, especially for youth with disabilities; and (4) planning and developing effective early intervention services, special education, and related services to meet the complex and changing needs of infants, toddlers, children and youth with disabilities. The Secretary may also support efforts to improve comprehensive systems of personnel development, ways in which resources are allocated and used, interagency coordination and collaboration, continuity in services, and parent-school communication and collaboration. It is the intention of this Committee that the focus of inquiries conducted under this section be determined in re-

sponse to the needs of State and local educational agencies for information needed to improve program management, administration, delivery and effectiveness.

The bill directs that priorities for funding under section 618(c) are to be established every three years and published for comment in the Federal Register. The Committee expects that the Office of Special Education Programs will provide appropriate opportunities to State and local education agencies, parents, and professionals to identify the areas in which program improvement is needed and the type of information needed. The bill further directs the Secretary to require recipients of funds under this section to prepare their procedures, findings, and other relevant information in forms that will maximize their dissemination and use.

FEDERAL/STATE COOPERATIVE AGREEMENTS

The bill amends Section 618(d) and authorizes the Secretary to enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of policies, procedures, and programs assisted under this Act. These cooperative agreements are intended to enable States to conduct studies designed to examine the impact and effect of their policies, procedures, and programs; to assess alternative approaches; and to design and implement appropriate actions to achieve systemwide improvements in program management, administration, delivery and effectiveness.

SPECIAL STUDIES

Section 618(e) is revised by deleting the current authority and replacing it with new language. The bill directs the Secretary to conduct special studies to assess progress in the implementation of the Act, and to assess the impact and effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide a free appropriate public education to children and youth with disabilities and early intervention services to infants and toddlers with disabilities. Studies conducted under this section are to include in their reports recommendations for improving services and programs. Proposed priorities for study are to be published for review and comment in the Federal Register and submitted to each Chamber of Congress no later than July 1 of each year.

The bill permits the Secretary to give first consideration in selecting priorities for Fiscal Years 1991-94 to studies in seven areas:

(1) *Longitudinal study.*—To complete the longitudinal study of youth with disabilities, currently in progress.

(2) *Mental retardation.*—To conduct a study to examine the factors that have contributed to the decline in the number of children classified as mentally retarded since the implementation of P.L. 94-142 and to examine the current disparity among States in the percentage of children so classified. The major decline has been gradual but steady every year since P.L. 94-142's passage, despite the fact that the total number of children in special education has doubled during this same time period. Reason for the decline needs to be understood. The Committee is also concerned with the very large discrepancies between States as to the numbers of children

labelled mentally retarded. For example, the State of New York, with a State population of nearly 18 million people, serves approximately 28,000 students with mental retardation (a ratio of 1 to 357), while the State of Alabama, with a population of just over four million, identified over 31,000 students with mental retardation (a ratio of 1 to 130). This disparity must be analyzed to ascertain if there are some public policy implications which must be addressed by the Congress.

(3) *Separate placement.*—To conduct a study that examines the degree of disparity among States with regard to the placement in various educational settings of children and youth with similar disabilities, especially those with mental retardation. The Committee intends that this study should examine, to the extent that such a disparity exists, the factors that lead such children and youth to be educated in significantly different settings.

The Committee notes that several recent special education studies reveal a very large variation among the States in the numbers of students with disabilities who are educated in separate classes or in separate facilities. For example, one State educates 90 percent of its students with mental retardation in separate classes, while another State educates only 27 percent of its students with mental retardation in separate classes. In regard to separate public school placements, one state places over 40 percent of its students with mental retardation in separate public schools. Similar statistics are found for other types of disabilities. In the 11 years since the implementation of P.L. 94-142, there has been no significant change nationwide in the use of segregated facilities to educate children with disabilities. The Committee is concerned that such placement variations may have significant implications on State and local school system policy and their meeting the least restrictive environment provisions of part B of the Act.

(4) *Early intervention.*—To conduct a study that examines the status, progress, and variation in the implementation of policies, procedures, and programs affecting early intervention special education, and related services for children with disabilities from birth through age five. The Committee places great importance on the success of current State efforts to develop effective early intervention and special education and related services for young children with disabilities. It further believes that information on the implementation of programs and policies for young children with disabilities is needed for future policy review and development that will support continued progress in this area.

(5) *Nationally representative study on related services.*—To conduct a nationally representative study focusing on the types, number, and intensity of related services provided to children with disabilities, by disability category. The Committee has received information indicating that a major cost of providing a free, appropriate, public education for all children and youth with disabilities is the provision of related services, such as speech-language pathology, audiology, physical therapy, occupational therapy, social work, psychological, or other related services. However, there is limited information available on the types, number, and intensity of related services provided.

Under existing data collection requirements, such information is not collected. To facilitate policy development regarding the provision of special education and related services, this study shall provide information on the types, number, and intensity of related services provided to children and youth with disabilities, by disability category.

(6) *Placement of children with serious emotional disturbance.*—To conduct a study to examine the extent to which out-of-community residential programs are currently utilized for children and youth with serious emotional disturbance. The Secretary is directed to focus on determining the factors that influence the selection of such placements, the degree to which these youth are able to transition back to their home districts and factors that impede such a transition.

The Committee was extremely troubled by data which indicate that a higher percentage of children with serious emotional disturbance are educated in more highly restrictive settings than is the case for most other handicapping conditions. Children with serious emotional disturbance are often in segregated day school/day treatment settings, in residential placements, in correctional facilities, and in in-patient psychiatric hospitals (a number which has been growing rapidly over recent years) or they receive homebound instruction. The use of residential placements by the child welfare system is substantial, for example, with over one quarter million children in out-of-home care. There is also great variation among States and districts on the use of residential placements, and in some areas, the problem is especially acute. In seven States, between 10% and 20% of children with serious emotional disturbance are in residential placement.

The Committee was also concerned to learn that many of the decisions to place a child far from home in a residential setting may be made for reasons unrelated to what is best for the child. In most States, if a parent seeks child welfare funding for residential care for a child with serious emotional disturbance, child welfare agencies will assume financial responsibility provided the parent gives up custody of the child. In situations where there are no alternative in-district programs for the child, the Committee has heard that many parents are forced to resort to this extreme. They relinquish custody of their child, simply to find services.

Another reason some children are placed in residential programs is because of the major disciplinary problems the students are creating for the school. Sixty-six percent of residential placement decisions were made for this reason in one State, according to a recent study (Department of Education, Connecticut, Knitzer, J., "Assessing the Impact and Effectiveness of Critical Variables that Affect Placement Decisions of Emotionally Disturbed Students," 1987, Harford, Ct.). Reliance on residential placement by educational agencies may also reflect funding policies, since residential placements are paid for from State funds, while local educational agencies must contribute more to in-district programming costs.

Another reason for concern is that many of these children are being placed very far from their homes and out of reach of their families. A recent study by the National Mental Health Association ("Report of the Invisible Children Project", National Mental

Health Association, Alexandria, Va., 1988) reported that, in one year, over 4,000 children were placed in out-of-State facilities, 1,000 of them through the education system. Sending children far from their own homes and communities means it is hard for parents to visit them and may result in their becoming lost to any serious monitoring by the local school, or having no meaningful case planning.

Finally, there is no clear evidence that residential placement provides a more effective form of treatment or education than nonplacement alternatives Given the cost of such placements, the Committee is disturbed to hear that there has been no systematic national study of the extent of this alternative, the costs of out-of-district placement, and the effectiveness of monitoring and case planning by the local school district to ensure appropriate services during the placement and a smooth transition for the child when he/she returns to the local school.

(7) *Study on minority children.*—To conduct a study that examines the factors that influence the referral and placement decisions and types of placements, by disability category and limited English language proficiency, of minority children relative to other children. This study must also examine the extent to which these children are placed in regular educational environments and the extent to which the parents of these children are involved in placement decisions.

This type of study is warranted due to various recent trends that indicate the need for a focus on minority students with disabilities. In its 1989 report to the President and the Congress of the United States, the National Council on Disability recognized several current themes which underscore the necessity for such research. The Council found: (1) an increase in the number of minority children attending school, (2) the persistence of poverty in minority communities, (3) the vulnerability of minority children to developing disabilities early in life, and (4) the overrepresentation of minority students in special education classes. The need for special education services among minority children will increase given the projected demographics on minority children and the number of children living in poverty combined with the vulnerability of minority populations to factors that increase the risk of developing disabilities. The Council was also concerned about the overrepresentation of minority students in special education, insofar as some of these students may be improperly labeled and placed in separate settings. There is, therefore, a critical need for consistent Federal, State, and local attention to the diverse issues confronting minority and disadvantaged youth with disabilities

ANNUAL REPORT

The bill retains the requirement in Section 618(f) that the Secretary prepare, publish, and disseminate an annual report on the progress being made toward the full implementation of the provision of a free appropriate public education for all children and youth with disabilities, and early intervention services for infants and toddlers with disabilities. The Committee clearly intends that a copy of the report be transmitted to the appropriate Committees

of each Chamber of Congress, including the House Committee on Education and Labor, no later than 120 days after the close of each fiscal year. In addition the bill also instructs the Secretary to have the annual report published and disseminated in sufficient quantities to the education community-at-large and to other interested parties.

KNOWLEDGE, MANAGEMENT AND UTILIZATION

The bill creates a new Section 618(g) to conduct activities designed to improve access to and use of information for management, administration, service delivery and to increase program effectiveness. The bill directs the Secretary to make grants to, or enter into contracts or cooperative agreements with, State and local education agencies, institutions of higher education, other public agencies, and nonprofit organizations to support activities that organize, synthesize, interpret, and integrate information obtained under Section 618 with information developed through other sources. The Committee heard testimony regarding the difficulty that professionals, parents, and others sometimes face in accessing the utilizing existing and new knowledge to improve services for children with disabilities. Often times, the results of research, evaluation, and other efforts are not available in forms and formats that facilitate their review, consideration, and use by educators, administrators, policy makers, and others involved in achieving program improvements. Activities supported under this section would include the design and selection of content, formats, and means for communicating such information effectively to specific or general audiences.

The bill reserves one percent of funds appropriated for grants under Section 611(a) for each of the fiscal years 1991 through 1994 to carry out the purposes of section 618. Of the one percent reserved each year, up to 25% may be used to carry out special studies authorized by subsection (e). The Committee believes that this allocation of resources is needed in order to expand the current emphasis on evaluation by including program content for the purpose of achieving program improvements. This approach is consistent with the findings of the National Council on Disability in its 1989 report: "Today the education of students with disabilities is at a crossroads. The focus over the past 14 years in educating students with disabilities has been on processes and procedures related to special education with access to public education as the goal. The time has come to shift the focus to quality and student outcomes. Simply assuring that services are present or placing students with disabilities into general classrooms is no longer good enough." (*The Education of Students with Disabilities: Where Do We Stand?* pg. 1)

Current national efforts to restructure our educational system and the follow-up initiatives resulting from the 1989 Educational Summit make it imperative that special emphasis be placed on assuring that all children, including those with disabilities, acquire the academic, social, functional, and vocational skills and competencies needed for success in school, as well as out of school. This emphasis requires support at the Federal level to assist States in producing, managing, accessing, and utilizing knowledge for pro-

gram improvement needed to assure that children with disabilities reach their full potential. The Committee believes the investment of resources in promoting excellence as well as equity in the education of children with disabilities, will play a significant part in achieving improvements in program management, administration, delivery and effectiveness for children served under part B.

REGIONAL RESOURCE AND FEDERAL CENTERS

The Committee is concerned about ambiguities or unclear expectations for Regional Resource and Federal Centers. These ambiguities result in competing expectations reflected in their workscope and in how they are administered, monitored and evaluated. The expectations of States focus on tasks that State Special Education Director has difficulty addressing. Such tasks differ between States and may not include Federally mandated areas. Federal expectations focus on the need to transfer information and knowledge generated from research and development activities, implementing research into practice, establishing model programs and implementing federal initiatives.

To address this ambiguity, the Committee has included statutory language permitting the Secretary to assist the Regional Resource Centers in the delivery of technical assistance consistent with the priority needs identified by the States. Section 621(d) directs the Secretary to develop guidelines and criteria for the operation of regional and federal resource centers. To develop appropriate criteria and guidelines, the Secretary is to establish a panel to examine the assumptions and underlying principles by which the Federal and regional resource center program operates and to articulate expectations and priorities. The panel will consist of representation from the office of Special Education Program staff, State special education directors, disability advocates and, when appropriate, regional resource center directors. The program guidelines and criteria shall include a description of how the Federal and regional resource center programs will be administered by the Secretary; the geographic area each center is expected to serve; a description of the expected leadership and dissemination efforts each center should demonstrate; their expected relationship with State agencies, research and demonstration centers and other entities deemed necessary; and the criteria by which such centers are to be evaluated and other guidelines and criteria deemed necessary. The guidelines and criteria developed by the panel are to be published in the Federal Register for review and comment. Following an appropriate review and comment period, they shall become final guidelines and criteria for the operation of such centers.

SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

Currently, section 622(a) of the Act authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations to accomplish two objectives.

The first objective is to assist State educational agencies in ensuring deaf-blind children and youth that the provisions relating to special education and related services, as well as transitional and

vocational services, are implemented. Section 302 of the bill updates section 622(a) of the Act to reflect current practice by authorizing recipients of grants, contracts, and cooperative agreements to assist local, as well as State, educational agencies.

The second objective is to assist State and local educational agencies to make available to deaf-blind youth, upon attaining the age of twenty-two years, programs and services to facilitate their transition from the educational setting to other settings. The Committee recognizes the benefits of early planning and the provision of programs and services in order to accomplish this objective.

The bill also amends the Act to allow grants, contracts, or cooperative agreements pursuant to paragraph (1)(B) of section 622(a) to provide assistance in the development or replication of successful innovative approaches to providing semi-supervised, supervised, rehabilitative, or independent living programs.

In restating the definition of deaf-blind children to be served by this Act, and in restating the objectives of this program, the Committee wishes to reassert its intent that this section serve deaf-blind children, ages 0–22. It is not the Committee's intent that other populations be served under this authorization. The deaf-blind population is perceived as unique with significant and specific needs, and should not be regarded as a subset of any other severely handicapped population.

In authorizing pilot projects involving direct service to children, the Committee intends that funds be allocated to the single and multistate centers, which are to be funded under this Act. The priorities for types of direct service to be provided should be established within the single or multistate Centers based on State and local needs of deaf-blind children. The types of direct services referred to in the Act are included by way of example. States, in applying for direct services, are not limited to these service categories.

There has been a trend in recent years for an ever-increasing percentage of these funds to be used for research and innovation projects, with a smaller percentage directed toward the single and multistate Centers. The Committee would like to see this trend reversed. These Centers were established 20 years ago to provide technical assistance and direct services to children with deaf-blindness. The history of significantly reducing the funding in the past decade is having a negative impact on the ability of these Centers to improve services at the local level.

While research and demonstration projects are useful, it should be noted that NIDRR is specifically established for this purpose. Since some of this research benefits the deaf-blind community it is preferred that section 622 address local technical assistance needs, direct service provisions, and the application of successful techniques in each region of the country.

While section 622 is a discretionary rather than entitlement program, it is the Committee's intent to assure that each State receive adequate assistance for its deaf-blind services, by operating its own single State Center, or by being part of a multistate Regional Center. An equitable allocation to participating States under this section is essential to the well-being of deaf-blind children nationally.

While the Act authorizes the collection of data which will describe in what type of program every child is served, the Committee wished to clarify that this permission does not constitute a statement of preference of one prototype over another. A continuum (i.e., full range) of program prototypes are needed in order for families to have a choice in placement. No one prototype is to be construed as a priority for the use of section 622 funding.

The bill further amends the Act to require the Secretary to enter into a grant, contract or cooperative agreement for a national clearinghouse on deaf-blindness to disseminate materials and information concerning effective practices in working with deaf-blind infants, toddlers, children, and youth. The Committee intends that experience and expertise specific to deaf-blindness should be seriously considered when making this award. The Committee notes that such a center was operated at Gallaudet University; however, the Department of Education decided not to fund it, but instead to include the function under another technical assistance project. The Committee feels this to be inadequate in meeting the information needs of this community.

Clearinghouses for education and special education can only address peripherally the kinds of information needed by educators and parents. Information for educators and parents on the unique and intense instructional needs of deaf-blind children is lacking. Information is sometimes inaccessibile; that which is available is often difficult to identify and locate. Lack of ready access to this information leads to program decisions which may not be satisfactory in meeting the needs of children and youth with deaf-blindness. Available information may not have the depth and breadth to provide support to educators and parents in making satisfactory program decisions and design.

Section 622 of the Act is further amended to delete the authority of the Secretary under this section to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for children and youth who are severely handicapped. The bill also amends the Act to delete the authority of the Secretary under section 622 to make grants to, or enter into contracts or cooperative agreements with, entities under section 624(a) for the purposes of such section.

In recent years, many projects have been funded by OSERS which benefit both the deaf-blind and other severely disabled populations. Many of these projects have been funded by combining resources under section 622 with those under section 624 (severely disabled projects). While these projects benefit both populations, it is clear that many have been funded primarily or exclusively with section 622 funding for deaf-blind children. The Committee intends that this practice cease. A majority of projects under this authorization should benefit the deaf-blind population.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Section 303 of the bill amends the Act to clarify that programs under section 623(a) of the Act shall include activities and services

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designed to facilitate the development of other communication modes used by children with certain disabilities for whom speech is not the primary mode of communication.

Section 623(a) of the Act currently authorizes the Secretary to arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for children with disabilities which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children.

The Committee is concerned that some professionals and other persons who serve as primary referral sources for parents of infants and toddlers with disabilities are not adequately knowledgeable about the potential of these children and the growing array of service options available to meet their needs and those of their families. Section 303.321 of the part H regulations sets forth the criteria for a comprehensive child find system for infants and toddlers. Subsection (d) requires that the State include "procedures for use by primary referral sources for referring a child to the appropriate public agency within the system for evaluation and assessment . . . and as appropriate, the provision of services."

The bill amends section 623(b) to require that the technical assistance development system established under this section assist part H agencies to adequately meet the requirements of Section 303.321(d) of the regulations. The Committee wishes to particularly emphasize the critical role that medical personnel play as primary referral sources and the need to improve their knowledge in this regard. The Committee expects that such technical assistance grants should go to an organization which specializes in providing early intervention services for infants and toddlers with disabilities.

The rapid increase in the use of crack cocaine in recent years has contributed to an alarming increase in the number of women who use drugs during pregnancy. A nationwide survey in 1988 estimated that 11 percent of the deliveries in hospitals (or 375,000 newborns annually) were affected by substance abuse. Research findings indicate that since 1985, there has been a significant rise in the number of children harmed developmentally by prenatal exposure to addictive substances. Complications from such exposure have included premature birth, low birth weight, neurological impairment, and delayed development.

While the explosive growth of the fetally-addicted population is still a relatively new phenomena, significant numbers of infants affected by drugs are now beginning to enter the nations' school system. At the age they begin preschool, these children face a wide array of emotional and physical problems, most of which are only now beginning to be understood. Children exposed to crack cocaine *in utero* are known to be easily distracted, passive, and face a variety of visual-perceptual problems and difficulties with fine motor skills. They often display problems with learning, concentration, hyper-irritability, and development relays.

The Committee is very concerned that children addicted *in utero* receive the special educational assistance they require when they

enter the school system. Therefore, the Committee encourages the funding of early intervention school-based and other model demonstration programs that address the unique needs of these young children. At present, model programs designed expressly to deal with the problems of prenatally drug-exposed preschoolers exist only in San Francisco, and Los Angeles, California and St. Petersburg, Florida. The Secretary should examine ways to develop effective strategies to promote the cognitive, communicative, and psychological development of these children, and to develop strategies which facilitate the transition of these students to a regular education setting.

Estimates of the fetally-addicted population should also be developed to provide the Committee with projections on the severity this problem will assume in coming years. The Secretary of Education is required to report to the Committees of jurisdiction in writing, its plans to address this concern one year after the enactment of this legislation.

PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN

The bill amends the Act to clarify that programs under section 624 are to address the special education, related services and integration needs of infants, toddlers, children, and youth with severe disabilities.

As a result of the research authorized under section 624, the Congress has debated over the last two years the need for access to public transportation to and from school. The Committee intends that some of the section 624 research funding be directed to projects that would enable local schools providing services to students with severe disabilities to replace dual and segregated transportation systems with a single system. As students with severe disabilities are successfully placed in regular school settings, these successes should also be demonstrated in the school transportation systems.

Regular educators are not routinely provided with the knowledge and skills necessary to successfully work with students with severe disabilities in the regular classrooms. To bridge the gap between special and regular education, the bill includes an emphasis on special educators and administrators in the personnel training authority of Section 624(a)(3). It is the Committee's intent that the Secretary include a priority for training regular education personnel in projects funded under this section.

The Education of All Handicapped Children Act Amendments of 1988, P.L. 99–457 provided the Secretary the authority to jointly fund projects from sections 622 (Services for Deaf-Blind Children and Youth) and section 624. One of the major activities supported with these joint funds has been statewide systems change projects. In States that have been awarded these funds, the development of collaboration between State and local officials has resulted in innovative Statewide state-of-the-art demonstration sites. The bill removes the authority of the Secretary to jointly fund projects with section 622 and 624 funds and places this authority only in section 624. In recognition of the success and importance of these projects, the Committee has increased the authorization level of this section

by $2 million. The Committee intends that this additional money be used to compensate for the loss of funds for statewide systems change projects currently supported by Section 622 and to provide for an expansion of these projects to additional states.

The new language in section 624(a)(5) further reflects the Committee's wish to encourage the continued development of State/local collaborative efforts in creation of improved integrated educational opportunities for students with severe disabilities.

The bill also adds an authority under section 624 (previously available under section 622) for the Secretary to make grants to, or enter into contracts or cooperative agreements with, public or private nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for children and youth with severe disabilities. The Committee encourages the creation of extended school year programs that include students with and without disabilities. However, in recognition of the limited funding available for these projects, other sources of funding must be found to support the costs of students who are not considered disabled for purposes of this Act.

Finally, the Committee instructs the Secretary, when setting priorities for the awarding of Section 624 funds, to include a priority on projects which enhance successful integrated placements for students with severe disabilities.

POSTSECONDARY EDUCATION

Section 305 of the bill amends section 625 of the Act to change the minimum amount of funding for the four regional postsecondary programs for the deaf from $2 million to $4 million. The Commission on Education of the Deaf has recommended that Congress increase funding to strengthen each regional postsecondary program for the deaf, thus allowing them to provide a broader range of educational options, including vocational and technical training, 2-year junior college, and baccalaureate programs. The Committee intends that the four regional postsecondary programs for the deaf shall provide model programs of support services including, but not limited to, preparatory programs, counseling, interpreting, notetaking, tutoring, housing, interpreter training, continuing education for deaf adults, instruction in sign language, and innovative programs of assistive technology devices and services for individuals who are deaf. The Committee intends, by increasing funding for the four programs, that they become truly regional programs, providing more outreach and technical assistance and other services to postsecondary institutions in their region in order to expand quality educational opportunities for individuals who are deaf.

The bill also amends the definition of "individuals with disabilities" for purposes of this section to include individuals with autism and individuals with traumatic brain injury. These additions make the definition consistent with the definition of children with disabilities under section 602 of the Act, as revised by the bill, and as discussed earlier in this report.

SECONDARY EDUCATION AND TRANSITION SERVICES FOR HANDICAPPED YOUTH

Section 306 of the bill specifies that projects authorized under section 626(a) of the Act may include establishing demonstration models for services, programs, and individualized education programs which emphasize independent living for youth with disabilities.

The Committee found that children and youth with disabilities were often not taught independent living skills in the home and because of this had a more difficult time adjusting to the transition from school to work or higher education. During that transition period, individuals lacking these skills sometimes have to concentrate so much on daily living skills that they have trouble focusing on other aspects of their lives. Thus, the Committee believes it is important to expand the authorization under this section to allow for independent living model demonstration programs. The Committee encourages demonstrations that incorporate independent living programs into students' individualized education programs and into school curriculums. Independent living skills could include, but are not limited to, teaching a person with a disability how to do laundry, prepare meals, manage a checking account, use public transportation, and other activities of daily living.

The bill clarifies that projects assisted under section 626(a) may include developing related services, as well as special education curriculum and instructional techniques, that will improve acquisition of the skills necessary for transition to adult life and services.

Over 200,000 special education students exit our nation's schools on an annual basis. The Committee has heard from many students, parents, and advocacy and provider organizations that many of these individuals leaving school as young adults have no jobs, further training, or programs available to them. Some are forced to linger at home, with literally nothing to do. Years of valuable special education are wasted in such situations. Most importantly, human potential and hope are needlessly destroyed. One key resource for many special education students leaving school is the vocational rehabilitation system. This program fulfills a vital role for thousands of individuals with disabilities, helping to prepare them for the world of work through a variety of programs.

This bill creates a new competitive state transition grant program in section 626(e) which is designed to help States implement transition services as defined in Section 602(a)(19) and the IEP transition statement called for in Section 602(a)(20)(D) of the bill. The Committee expects that the objective of this grant program will be to help States create a consistent, coordinated, and comprehensive delivery system for transition services utilizing funds provided under the Education of the Handicapped Act, the Rehabilitation Act, the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and by other Federal, State, and local agencies.

This one-time grant must be used to develop or to enhance a State's capacity to deliver transition services in a manner than will provide for the continuation of these services after the five year grant period expires. The Committee expects that this capacity

building grant should develop and leave in place ongoing cooperative agreements, working relationships, and other mechanisms that will continue to serve individuals with disabilities for many years.

Since States have taken a variety of approaches in delivering transition services, this grant process allows States to design services that conform to their individual circumstances. However, this section clearly defines the core criteria for grants to include a description of current transition services, improvements to transition services, interagency working relationships, and how funds from this grant and other sources will be used to improve transition services. These criteria are defined to be essential components in any grant application.

In addition to the previously mentioned criteria, the Secretary is also instructed to give additional preference to States that emphasize rehabilitation counseling in school settings, case management, transition information dissemination, interagency and private sector resource pooling, transition information and training services, early implementation of transition services, integrated transition services with other agencies, outcome oriented benefits, and services permitted under the Rehabilitation Act of 1973. The Committee believes that the inclusion of the above items with the core criteria should improve the competitiveness of a State's grant application.

This grant also requires applicants to implement an evaluation plan that is outcome oriented, so that the Committee and State and local agencies can determine its success in providing transition services to students with disabilities once they leave the school environment and pursue adult activities through employment or postsecondary education.

The bill also amends the Act to permit projects assisted under former subsection 626(e) to include developing and disseminating exemplary programs and practices that met the unique needs of students who utilize assistive technology devices and assistive technology services as such students make the transition to postsecondary education, vocational training, competitive employment (including supported employment), and continuing education or adult services. The Committee is concerned that students with disabilities often lose access to assistive technology devices and services when they make the transition from secondary school to adult services, including the vocational rehabilitation or other service delivery systems or higher education. Thus, historically, many of these students have not been successful in finding employment or receiving additional education or training. The Committee believes that projects and demonstration models are needed to establish appropriate methods of providing, or continuing to provide, assistive technology devices and services to such individuals with disabilities as they make the above transitions, including addressing improved coordination among State and local educational agencies and rehabilitation agencies.

PROGRAMS FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCES

The bill amends the Act by adding a new section 627, entitled, "Programs for Children and Youth with Serious Emotional Disturbance."

It is generally agreed that children with serious emotional disturbance remain the most underserved population of students with disabilities. The U.S. Department of Education (*U.S. Department of Education Tenth Annual Report to Congress*, 1988), the Robert Wood Johnson Foundation (*Serving Children: A Special Report*), and major studies have documented this. In the 1986–87 school year, only 384,680 children with serious emotional disturbance were reported by States as receiving a free appropriate public education. This number represents 0.57% of the total population of children and youth of comparable age, a percentage considerably below the most conservative estimates of the suspected incidence of such disorders (*Chronic Mental Illness in Children and Adolescents*, pp. 39–52).

The Office of Technology Assessment ("Children's Mental Health: Problems and Services, A Background Paper," *Office of Technology Assessment*, 1986) suggests that even when severity of the disorder is considered, data indicate that 3% of school age children are "seriously emotionally disturbed". Based on the OTA's 3% incidence projection, the 384,680 children served, as reported by States, represents only about 19% of the students with serious emotional disturbance.

According to testimony presented to the Committee, public schools are not currently prepared to handle students with SED. As a result, students with SED are often not identified and go without services. A second problem is the stigma attached to the label of "serious emotional disturbance," and the entire family may be at risk of being ostracized. As a result, schools and parents may be reluctant to have the child identified as SED and many of these children are labeled something else—most often learning disabled—and then do not receive the appropriate services that they need.

The Committee also heard from parents that, unlike families of children with a wide variety of other disabling conditions, families of SED children, rather than receiving the empathy of their friends and service providers, are often considered part of the problem and part of a failure. This is exemplified by eligibility screening and services which require the parents/caregivers to be examined along with the child.

On a more positive note, the Committee also heard testimony that progress has been made over the past two decades in public school programming for children and adolescents with SED. A recent national survey of 126 school districts with services for children and youth with SED provides interesting contrasts with earlier findings from a similar study (*Public School Classes for the Emotionally Handicapped: A Research Analysis*). Progress during the last 20 years is evidenced in increased numbers of students served, a broader range of services available, increased emphasis on inte-

gration and on behavioral theory and increased teacher involvement in entry and exit decision making.

Despite the progress in expanding the range of options for students with SED, data demonstrate that a higher percentage of students with SED are educated in more highly restrictive settings than is the case for most other (disabling) conditions (*U.S. Department of Education Tenth Annual Report*). Another indicator of program effectiveness, student success in the program, also raises concerns about program adequacy. This suggests that schools are not currently able to provide the range of educational interventions needed to effectively serve this population.

Numerous studies report that there is also little effective coordination or collaboration in planning, administering, financing and/or delivering services among the major child serving agencies, including education ("Admission and Discharge Criteria for Children's Mental Health Services: A Review of Issues and Options," *Journal of Clinical Child Psychology,* 1985). Lack of coordination leads to a fragmented service delivery system, with gaps in services and inadequate case management.

Too often children are institutionalized when less restrictive community-based services would be more effective. Recent experience has confirmed that intensive community-based services provided to the child and family can minimize the need for residential treatment or hospitalization and that these restrictive treatment settings are overutilized ("Mental Hospitalization of Troublesome Youth: An Analysis of Skyrocketing Admission Rates," *Stanford Law Review,* 40).

Problems are compounded by a major shortfall in qualified personnel. Shortages for all special education teachers have been gradually worsening in recent years, but shortages in personnel for instruction of students with SED have increased more rapidly than in other areas of special education, according to data from three recent volumes of the Annual Report to Congress. Teachers of students with SED are the largest shortage area in teachers of special education, nationally, and are second only to teachers of bilingual education in all fields of teaching in the United States.

There is also considerable agreement that differential treatment is provided to minority children. An African-American adolescent who is seriously emotionally disturbed is more likely to end up in the juvenile justice system than in the mental health treatment program to which his Caucasian counterpart would be referred "Social Policy and Mental Health of Black Children," *Journal of the American Academy of Children Psychiatry,* 1985). A Native American child with SED is more likely to go without treatment or be removed legally and geographically from his family and tribe, while an Asian SED child will likely never come to the attention of the mental health system ("Destruction of Indian Families: Beyond the Best Interests of Indian Children," *White Cloud Journal,* 12; "Diagnostic Considerations in Working With Asian-Americans," *American Journal of Orthopsychiatry,* 1983).

Testimony presented to the Committee jointly by special education and mental health organizations identified several areas which need to be addressed in order to improve quality of programming

for SED students. The Committee has determined that programs need:

—to develop improved efforts of coordination between schools and other agencies which provide services to SED youth, particularly the mental health system;

—to further refine and disseminate information about improved educational approaches and curricula for special education programs;

—to decrease the current overreliance on residential placements and to increase availability of district-based programs, such as day treatment, after-school and summer programming;

—to address the critical shortage of teachers certified to teach pupils with SED; and

—to eliminate discrepancies in treatment of minority children with SED.

In response to the concerns, as expressed by parents, educators, mental health professionals and child advocates, the Committee has determined that the pervasive and deep-seated nature of the problem requires a concerted initiative within the Department of Education.

Under new Section 627, the Secretary is authorized to make grants for projects which will:

—study the present state of special education and related services for SED children;

—develop methodologies and curricula designed to improve special education and related services;

—develop and demonstrate strategies to reduce the use of out-of-community residential programs and increase the use of day treatment and other in-district alternatives;

—develop and demonstrate innovative approaches to assist children with problems to prevent their developing serious emotional disturbances that require the provision of special education and related services.

Subsection (b) of Section 627 authorizes the Secretary to fund local demonstration projects in schools which would:

—increase the availability of community services for children with SED and their families;

—improve the working relationship between the school and community agencies, including mental health personnel, and with families of such children and youth;

—target resources to school settings, such as bringing mental health services into the schools to support teachers and to assist in the provision of services to children with SED;

—take into account the special needs of minority children.

Funds used for these demonstration projects can also be used to facilitate appropriate interagency and private sector pooling of resources to meet the needs of these children.

All such projects shall conduct an evaluation that is outcome oriented and disseminate the findings of the project through the appropriate federal mechanisms.

PERSONNEL PREPARATION

The Committee has amended section 631(a)(1) to more clearly delineate the types of careers authorized for personnel preparation support under this section. The Committee has placed certain sub-disciplines under the heading of "special education leadership". Those sub-disciplines being supervision and administration, special education research, and special education personnel preparation. In so doing, the Committee has responded to expert advice from individuals in the field of special education and expects that this arrangement under the single heading of leadership will provide a clearer focus for personnel preparation in these sub-disciplines.

Inservice/preservice

The Tenth Annual Report to Congress estimates that, on a nationwide basis, the U.S. needs 27,000 trained special educators to fill vacancies and replace uncertified staff. Moreover, special educators now have an average age exceeding 40 and their training is over 15 years old. Finally, OSEP projects that the existing shortage of related services personnel is over 13,000. Neither of these estimates take into account the expanded service requirements contemplated by Part H, the Early Intervention Program.

In view of the limited Federal resources (both the House and Senate provided limited funding increases for Part D in fiscal year 1990), as well as the two- to five-year time lag in producing trained personnel for programs supported under the Act, it is no longer practical to assume that existing preservice training will meet the pressing personnel needs. A more flexible approach involving the provision of less intensive training to larger numbers of special educators and related services personnel already in the field is clearly indicated.

Dr. Margaret McLaughlin of the University of Maryland Institute for the Study of Exceptional Children and Youth points out, in a soon-to-be published monograph:

> . . . The need for inservice training must be reconsidered in light of current personnel shortages and the rapidly changing content of instructional technology. A balance between inservice and preservice must be struck . . . . the need to upgrade skills of professionals currently in service is critical. The need for involvement of IHE faculty is also critical. Part D funds could be used to facilitate both if program priorities were included that would fund creative collaborative efforts between IHEs and local schools. In addition . . . such collaborate arrangements could enable long-term commitment to staff development rather than episodic inservice training.

Assistive technology

The Committee recognizes that there are severe gaps in personnel training in the area of assistive technology, and accordingly, the Committee bill adds assistive technology to the list of areas for training personnel under Part D of the Act. The bill adds authority for the Secretary to make grants to institutions of higher education and other non-profit agencies and organizations for training in the

area of assistive technology as an important component of meeting the special education and related services needs of many students with disabilities. By including assistive technology in the authority for personnel preparation, the Committee expects that knowledge and awareness of the use of assistive technology will become more widespread.

Limited English proficiency

The Committee hereby incorporates its earlier discussion on limited English proficient and minority language background students and clearly intends that it apply in similar fashion to this title.

Personnel training

Section 631 (a) and (b) have been amended to reflect the Committee's commitment to ameliorating the problem of minority teacher underrepresentation in special education. In response to the critical shortage of minority teachers, this section now provides a line item for personnel training to Historically Black Colleges and Universities and other institutions having at least a 25% minority student enrollment. These institutions produce more than 50% of all minority teachers. This section reestablishes a priority of the training of minority personnel and requires grant applicants to include in their applications a detailed description of strategies that will be utilized to recruit and train members of minority groups. Furthermore, priority shall be given to minority students for receipt of fellowships or traineeships.

Repayment of fellowships

Section 631(a)(4) requires that any person receiving a fellowship through a training program funded by Part D must agree to repay it or work (for a period equivalent to the period of the fellowship) in an activity related to programs or activities such as those funded under EHA. The Committee added this provision for several reasons: to obtain a commitment—from those who benefit from training dollars—to work with infants, toddlers, children, and youth with disabilities; to counter the shortages and burnout being documented for those who work with such children; and to help alleviate the degree to which educational agencies rely on personnel with temporary certification in early intervention, special education, related services, or transition-related fields.

In recognition of the need for flexibility, the Committee gave the Secretary the authority to waive this requirement in extraordinary circumstances. Moreover, the Committee has left to the Secretary's discretion the setting of the specific terms and conditions of compliance. Finally, the Committee drafted the entire provision in a broad manner for the purpose of allowing maximum flexibility in employment options for those who receive fellowships.

Interdisciplinary training

The Committee is concerned about the large influx of children with severe developmental disabilities now entering our Nation's school systems. Specifically, recent data indicate a 35% increase in the number of children with "multiple disabilities" requiring special education in just the last two years. In addition, a significantly

greater number of children with chronic illnesses and technology-dependent youngsters are also seeking educational opportunities. As one response, the Committee has included statutory language which will authorize OSEP to support interdisciplinary training for special educators as an optional priority area under Part D.

"Interdisciplinary training" refers to an integrated education program involving the interdependent contributions of the relevant skills, attitudes, values, and service methodologies of the participating professional disciplines. On a practical level, special educators will receive instruction on the role of occupational therapists, physical therapists, and speech-language pathologists (among others) in the provision of services for children with disabilities as a part of their preservice training. The Committee envisions that representatives from the various disciplines will teach both applicable theories and up-to-date service practices. Because it emphasizes a team approach and encourages coordination among both professionals and special educators, this type of training is better suited to the service needs of children with more severe developmental impairments.

Moreover, the Committee has added statutory language which encourages universities seeking related services training grants to demonstrate the delivery of those services (through mandated practice) in an array of regular and special education and community settings. This provision is directed at changing a widely accepted procedure which involves removing children with disabilities from school grounds to segregated settings (i.e., off-site clinics and centers) for the purpose of service delivery. The so-called "take out" procedure does not reflect best-practice and inhibits the developmental and educational growth of children with disabilities. Consequently, it is the Committee's view that improving standard training practices will result in a significant reduction of the use of this service method over the long-term.

However, training practices will not be required in situations where they are not feasible. For example, where large amounts of therapeutic equipment must be transported or vast distances are involved in providing community-based services, practical need not be included in related services training programs. A similar justification will apply in instances where the local school district has determined that such practices are inappropriate or infeasible.

Training of personnel to meet current needs

Section 631(b) was amended to reflect important trends and priorities for serving children with disabilities including: (1) preparing regular educators to work with children and youth with disabilities and their families; (2) preparing special educators to be involved in and to facilitate the transition of youth with disabilities beyond school to adult opportunities in the community; (3) preparing minority and other personnel to work with infants, toddlers, children, and youth with disabilities and their families; (4) training personnel to use instructional and assistive technology when working with these children and their families; and (5) recruiting and retaining early intervention, special education, and related service personnel.

In modifying this provision, the Committee also recognized the importance of *both* preservice and inservice training *and* the value of coordination within and across training programs and activities so that professionals may work together more effectively to serve the full range of those with disabilities in a variety of settings.

Parent training centers

Since minority participation and representation have been woefully lacking on most boards and programs, this section has been amended to require parent training center boards and programs to include minority parents. To enhance the effectiveness and productivity of the parent training centers, reporting requirements have been provided in Section 631(c) which include data on the numbers served, the types and modes of information and training provided, networking and consulting activities, and strategies used to reach and serve minority parents of infants, toddlers, children, and youth with disabilities.

This section authorizes funds for five new demonstration parent training and information centers to serve large numbers of parents of children with disabilities located in high density areas that do not have such centers. The original purpose of these centers was to provide support that was readily accessible to, and well as easily understood by, parents of children with disabilities.

GRANTS TO SEA'S AND INSTITUTIONS

Section 402 amends Section 632 of the Act in the following way. It provides that grants to States under this section are also for the purpose of assisting States develop and maintain their comprehensive systems of personnel development and to recruit and retain personnel. The Committee notes that the resources necessary to prepare an adequate supply of qualified personnel and the system for doing so is not always under the authority of the State educational agency. For example, a State board of regents or a board of higher education may control the determination of what personnel preparation programs will be available and may control funding for such programs. Section 613(a)(13) of the Act currently requires the States to set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies on matters pertaining to the implementation of part B. The Secretary is authorized to require States to demonstrate that they have such agreements in place. The Committee expects the Secretary to require each State to develop the interagency agreements that are necessary for the State to effectively implement its comprehensive system of personnel development.

The Committee believes that the development and maintenance of a State's comprehensive system of personnel development, and the generation of meaningful personnel data that is comparable from State to State, is an important component of the Committee's effort to address the ongoing personnel needs of the system to provide special education, early intervention, and related services.

CLEARINGHOUSES

Currently, Section 633(a) authorizes the Secretary to make a grant or enter into a contract with a public agency or a nonprofit private organization or institution for a "national clearinghouse on the education of the handicapped" and to disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning programs related to the education of children with disabilities under EHA and under other Federal laws, and participation in such programs, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance.

Section 633(b) currently directs the Secretary to make a grant or enter into a contract for a national clearinghouse on postsecondary education for individuals with disabilities for the purpose of providing information on available services and programs in postsecondary education for such individuals.

Section 633(c) currently directs the Secretary to make a grant or enter into a contract for a national clearinghouse designed to encourage students to seek careers and professional personnel to seek employment in the various fields relating to the education of children and youth with disabilities. Its purpose is to collect and disseminate information on current national, regional, and State needs for special education and related services personnel; to disseminate information to high school counselors and others concerning current career opportunities in special education, location of programs, and financial assistance available; to identify programs throughout the country; to establish a network among local and State educational agencies and institutions of higher education concerning the supply of graduates and available openings; and to provide technical assistance to institutions seeking to meet State and professionally recognized standards.

Section 403 of the bill amends Section 633 of the Act to more fully describe the purpose of the authorized activities of the Clearinghouse program. Through these amendments, the Committee intends to make it clear that each of the clearinghouses authorized under Section 633(a) are to be designed to increase information dissemination, referral, and outreach to parents, professionals, persons with disabilities, and the general public. The coordination and delivery of timely, accurate, and useful information is critical to facilitate the access of infants, toddlers, children, and youth with disabilities to a free appropriate public education, to foster the transition to postsecondary programs and employment, to ensure the recruitment and adequate supply of well-trained and qualified special education and related services personnel, and to assure the synthesis and wide dissemination of new knowledge and best practices models. Finally, through these amendments, the Committee intends that the clearinghouses under sections 633(b) and 633(c) are to be comparable in scope to the clearinghouse on personnel established under the 1986 amendments to the Act.

First, regarding Section 633(b), a national clearinghouse on the education of children and youth with disabilities, such a clearinghouse shall (a) collect, synthesize, develop, and disseminate information on a national basis to parents, professionals, and other in-

terested parties concerning programs and services relating to the education of children and youth with disabilities under the Act and under other Federal laws; (b) participate in programs related to disability issues in order to provide outreach, technical assistance, information collection and dissemination, and referral of individuals to appropriate national, State, and local agencies and organizations; (c) coordinate outreach activities with relevant Federal, State, and local organizations and other sources of information, programs, and services (including organizations representing individuals with disabilities) to promote public awareness of disability issues and the availability of information, programs, and services for infants, toddlers, children, and youth with disabilities; (d) collect and provide information to the Secretary with data on the information needs of parents, professionals, individuals with disabilities, and others regarding the provision of special education, related services, and early intervention; (e) provide technical assistance to National, Federal, regional, State, and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families; and (f) develop strategies to disseminate information to underrepresented groups, such as the limited English proficient. These changes are directed at increasing the outreach, networking, technical assistance, dissemination, and coordination of information services to families, professionals, persons with disabilities, and the general public to promote awareness of the full range of issues affecting infants, toddlers, children, and youth with disabilities and their families. The Committee finds that particular emphasis needs to be placed on outreach and dissemination to traditionally underserved populations, including minorities, the limited English proficient, rural, and urban constituencies. The Committee finds that a centralized source of information dissemination and referral is important in assisting Federal, State, and local agencies and organizations, institutions, parents, and other programs authorized under Parts C through G of the Act in providing for coordination, networking, and outreach to maximize the dissemination of information and resources to the Nation without duplication. In addition, technical assistance is necessary to assist agencies and organizations in the design and implementation of dissemination and outreach strategies, and to establish information and referral systems for individuals with disabilities, their families, and the professionals who serve them. Finally, data regarding the information needs of families, professionals, individuals with disabilities, and others should be collected to assist the Secretary in identifying gaps in information, so that future research efforts can be directed to areas of need.

Section 633(c) establishes that the clearinghouse on postsecondary education for individuals with disabilities shall collect, develop, synthesize, and disseminate information on a national basis to individuals with disabilities, parents, professionals and other interested parties, regarding (a) available services and programs in postsecondary education for individuals with disabilities and the characteristics of individuals entering into, and participating in, such programs; (b) laws affecting individuals with disabilities; (c) sources of financial aid for the education and training of indviduals with dis-

abilities; and (d) resources available or recommended to facilitate the education, rehabilitation, and retraining of adults with disabilities.

This clearinghouse shall also identify areas of need for additional information regarding postsecondary education for individuals with disabilities, and coordinate with professionals, relevant Federal, State, and local agencies, and appropriate organizations to disseminate information on, and promote awareness of, issues relevant to the postsecondary education of individuals with disabilities.

The bill also amends sections 633(a), 633(b), and 633(c) to permit the Secretary to establish these three clearinghouses through cooperative agreements. The Committee notes that this reflects the current practice of the Department of Education.

The bill includes a provision specifying that in awarding grants, contracts, or cooperative agreements under this section, the Secretary shall give particular attention to demonstrated experience at the national level in providing information services, particularly to minorities and minority organizations and organizations that serve infants, toddlers, children, and youth with disabilities, their families, and professionals.

The bill also directs the Secretary, beginning in fiscal year 1991, to collect information regarding the activities and clients of the clearinghouses for the purpose of identifying information needs, strategies for dissemination to underserved populations, and to identify gaps in knowledge so that future research and demonstration activities can be directed towards areas of greatest need, and to reduce duplication and to enhance coordination. This information is to be summarized in the annual report to Congress, and to the appropriate Senate and House Committees of jurisdiction, including the House Committee on Education and Labor.

Through the above provisions relating to a national clearinghouse on the education of children and youth with disabilities and a national clearinghouse on postsecondary education for persons with disabilities, the Committee intends to describe the current activities of these two clearinghouses, and expand the scope of their activities to enhance their outreach, networking, technical assistance, and dissemination capabilities to improve the provision of information to persons with disabilities, their families, professionals, and the general public. The Committee finds that a particular emphasis of the three clearinghouses needs to be placed on outreach to traditionally underserved populations, including those of minority backgrounds, and those in rural and urban areas. Finally, the Committee believes that coordination among the various clearinghouses and other agencies and organizations that participate in the dissemination of information is essential to maximizing such dissemination efforts, without duplication.

REPORTS TO SECRETARY

Section 634 has been amended and instructs the Secretary to specify additional information required from the parent training centers and the clearinghouses to be included in reports to the Secretary.

RESEARCH IN EDUCATION OF HANDICAPPED INDIVIDUALS

Section 501 revises section 641 of the Act, authorizing the Secretary to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations, to support research, demonstrations, and related activities designed (a) to advance knowledge regarding the provision of instruction and other interventions to infants, toddlers, children, and youth with disabilities; and (b) to advance the use of such knowledge by personnel providing special education, related services, and early intervention.

With regard to the former, activities may include, but not be limited to: (1) the organization, synthesis, and interpretation of current knowledge and identification of knowledge gaps; (2) the identification of knowledge and skill competencies needed by personnel providing special education, related services, and early intervention services; (3) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of intervention and instruction; (4) the evaluation of approaches and intervention; (5) the development of instructional strategies, techniques, and activities; (6) the improvement of curricula and instructional tools, such as textbooks, media, materials, and technology; (7) the development of assessment techniques, instruments, and strategies for the identification and evaluation of individuals eligible for special education, related services, or early intervention services; (8) the testing of research findings in practice settings to determine their specific and general applicability, utility, and effectiveness; and (9) the improvement of knowledge regarding families, minority groups and disabling conditions.

With regard to advancing the use of such knowledge by personnel providing special education, related services, and early intervention, activities may include, but are not limited to: (1) the improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning in preservice, inservice, and continuing education; (2) the organization, integration, and presentation of knowledge so it can be incorporated in personnel preparation continuing education programs, and other relevant training and communication vehicles; and (3) the expansion and improvement of networks that exchange knowledge and practice information.

Section 641(b) is amended by section 501 of the bill, which directs the Secretary to consider the special education, related services, or early intervention experience, and the research experience, of applicants under part E.

Section 641(c) addresses the publication of research priorities by requiring that the Secretary publish proposed priorities under part E in the Federal Register every two years, not later than July 1, and shall allow a period of 60 days for public comments and suggestions. The Secretary is also directed to publish final priorities in the Federal Register not later than 60 days after the close of the comment period.

Section 501 of the bill also requires the Secretary under section 641(d) to provide in the annual report described under section 618 of the Act, an index of all projects conducted under part E in the preceding fiscal year. This index shall include the title of each project and the name and address of the funded organization.

Subsection 641(e) directs the Secretary to make grants or enter into agreements to establish model demonstration programs to assist in resolving problems that are barriers to appropriate educational, related services, or other services for children and youth with disabilities. Social workers, parent advocates and psychologists under this program shall use mediation, advocacy case management, individual and family counseling and other needed approaches in assisting children, their guardians, school personnel and others involved in meeting the student's needs. The Secretary may designate other personnel who are skilled in the approaches listed above as eligible for providing ombudsman services.

The Committee does not intend this program in any way to eliminate access to due process procedures. Rather, it presents another option for problem solving, one with opportunities for more cost-effective and timely resolution. It also presents an opportunity for innovative approaches to varied problems. The Ombudsman would serve individuals involved in special education programs which receive funding under this Act and interested citizens who have problems, complaints, information or suggestions related to programs funded under this Act.

The Committee directs the Secretary to report back to the Committee within the authorization period of this Act, on the strengths and weaknesses of the projects conducted under this subsection, including the benefits derived by students. Personnel working in school-based projects under this authority shall be supervised by local or State educational agency boards when possible, preferably by offices of school social work or related services in order to promote independence from school authorities.

Section 502 of the Act amends section 642 of the legislation to included therapeutic recreation under the overall classification of what is considered recreation for children with disabilities. The Committee believes that every effort should be made by the public school systems and others to employ and utilize therapeutic recreation professionals to evaluate, plan and administer the recreation component of an individual's education program. While related disciplines may use recreation as an element within their scope of practice, the Committee believes that specialized skills are necessary to competently assess and serve students with disabilities within the recreation mode. Therapeutic recreation specialists have received appropriate education and training in the delivery of therapeutic recreation services, with demonstrated competency through professional certification.

The Committee action intends to increase the availability of qualified therapeutic recreation personnel to provide appropriate and intensive recreation services to persons with disabilities in educational settings. The availability of these services will increasingly provide students with disabilities the skills necessary to participate in other integrated social and community settings and thus further enhance their quality of life.

Section 503 strikes section 643 of the current law concerning the panels of experts. This provision is now tranferred to Part A, Section 610.

INSTRUCTIONAL MEDIA FOR HANDICAPPED INDIVIDUALS

Section 601 amends section 651 to include television programs within the scope of activities that can be funded under this section. This section is further amended to include the visually impaired as part of the population for whom this section is intended. The 1980 Census documents 12.8 million Americans with vision so severely impaired that they are unable to read even with glasses. According to the Association for the Education and Rehabilitation of the Blind (AER), 20% of Americans over age 60 have severe vision impairments. The AER also reports that because ours is an aging society, visual impairments among people over 65 will double by the year 2000. According to the American Foundation for the Blind, visually impaired people watch as much television as sighted people.

Section 602 of the bill amends Section 652 of the Act to reflect a new authority under this section to provide, by grant or contract, descriptive video services (the audio description of video materials) for individuals with blindness and visual impairments. Descriptive Video Service (DVS) provides a narrated description of the key visual elements of television programs; thereby, making it accessible to visually impaired persons. The information blind people miss when watching television, including actions, settings, body language, gestures and costumes are described during the pauses in the existing dialogue and soundtrack. Stations that broadcast in-stereo with a SAP (Separate Audio Program) channel transmit DVS to viewers who need no special equipment other than a stereo television or stereo VCR with SAP. The Committee recognizes the contribution that DVS has already made to the improvement of the lives of some of the 12.8 million visually impaired Americans. The Committee has included $1 million in the authorization level for this part with the expectation it will be used for projects to develop this new technology.

This section of the bill also confirms the Secretary's authority to provide for the captioning of video materials, and to provide for the distribution of captioned video materials and descriptive video materials, as well as captioned films and other educational media and equipment, through State schools for individuals with disabilities, public libraries, and such other agencies as the Secretary may deem appropriate to serve as local or regional centers for such distribution. The Committee intends for the Secretary to support the production, distribution, and outreach activities related to a national broadcast service that makes television programs accessible to individuals who are blind or visually impaired.

This Committee has long supported the greatest possible use of media by persons with disabilities to allow them equal access to America's telecommunications services. The Commission on the Education of the Deaf made this a major goal. Television, radio and film are an essential part of today's American culture and this leg-

islation is intended to allow these media to be shared by all, regardless of hearing or sight impairments.

The Committee recognizes that closed captioned television has become vital to the lives of many thousands of deaf and hearing impaired persons. "Closed captioning" refers to captions hidden in the TV signal, which may be seen only with the addition of a line 21 TV decoder, a separate consumer electronic device currently being retailed for approximately $180. Development and distribution of the decoder was pioneered by the National Captioning Institute established in 1979 by the Public Broadcasting Service and the Congress to provide this service following its successful testing in 1978–79.

Before 1979, the statute provided only for the captioning of film; funding for captioning of TV or video programming was funded by the Department of Education absent specific legislative authority. The statutory language has now been amended to include TV captioning.

Because the decoder is essential for the receiving of the captions, and to assist deaf and hearing impaired persons of lower income to receive them, the Department of Education has provided support funds for a number of years to reduce decoder prices to deaf consumers. This has allowed many more hearing impaired persons to enjoy captioned programs. The Department of Education clearly has considered the present authorizing language to be sufficiently broad to allow for this funding of decoders. Therefore, the Committee believes that no further legislative language is necessary at this time. The Committee hopes that such funding for decoders for deaf children who currently do not have access to them can continue.

The Committee notes that new legislation, H.R. 4267, now pending in Congress would require all new TV receivers to have built in caption decoding capability. Thus, the captioning service which began with the help of this Committee and the Congress many years ago will ultimately be available to all persons in need of this service.

The Committee believes that the provision of free recorded textbooks for the education of students who are blind, severely visually impaired, and otherwise print disabled (such as those with cerebral palsy) has become indispensable to the educational development of many thousands of children, youth and adults.

Recording for the Blind, Inc. (RFB), has traditionally provided a unique service to the education of the blind and visually impaired individuals. Largely supported through donations and the use of 4,000 reader volunteers, the essential services of the Recording for the Blind have been partially supported by a Congressional set-aside implemented by contract with the Department of Education.

The Committee finds that the free recorded textbooks provided through RFB are essential to the special education of students with visual disabilities. Moreover, such a goal can be accomplished most efficiently with a continued federal appropriation to ensure the financial stability of the RFB. The Committee directs the Secretary to provide funding to RFB, subject to the availability of appropriated funds, in the least restrictive and most expeditious manner possible.

In 1975, when the Congress first provided funding for RFB's services, federal support defrayed approximately one-third of RFB's expenses. This proportion of support has steadily eroded, to the point that appropriations meet less than 20% of RFB's expanding needs. The Committee expects future appropriations to restore Federal support to its former levels, in recognition of the strong national interest in the provision of free recorded textbooks to students with disabilities.

TECHNOLOGY, EDUCATIONAL MEDIA AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES

Section 701 of the bill amends Section 661 of the Act to authorize the Secretary, in carrying out this section of the Act, to fund projects or centers for the purpose of increasing access to, and use of, assistive technology devices and assistive technology services in the education of infants, toddlers, children and youth with disabilities. Also, the Committee intends that projects funded under this part be coordinated, as appropriate, with other activities authorized under the "Technology-Related Assistance for Individuals With Disabilities Act of 1988", P.L. 100-407, as that Act relates to the education of students with disabilities.

HANDICAPPED INFANTS AND TODDLERS WITH DISABILITIES

Section 672(2)(e) is amended by adding "social work services" to the definition of early intervention services. It has come to the Committee's attention that some publications issued on special education, listing early interventions services but not providers, have given the impression that social work services are not included as an early intervention service. Social work was not included in the list of services simply because social workers provide so many of the included services. Because the Committee has learned of problems which persist in providing needed social work services in special education (including misunderstanding of the law), it has made this technical correction in the interest of clarity.

The Committee is concerned that families receive full and appropriate information from primary referral services on the early intervention service options available to them. Thus, the bill amends Section 676(b)(6) of the Act to require the lead agency to prepare and disseminate such information to all primary referral sources in the state. The Committee also expects the lead agency to monitor the effective use of such information materials by the primary referral sources, and further expects the lead agency to periodically review and update such information materials for timeliness and accuracy.

The Committee intends that primary referral sources include: hospitals, including prenatal and postnatal care facilities; physicians; parents; day care programs; local educational agencies; public health facilities; other social services agencies; and other health care providers. These sources are the same as those in the regulations for Part H of the EHA.

The Committee is also concerned that primary referral sources have a basic working knowledge of the early intervention services available in the State so that they may be of maximum assistance

to families. It is essential that primary referral sources have an understanding of identification and referral considerations and procedures as well as early intervention program options.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1990.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1013, the Education for the Handicapped Act Amendments of 1990, as ordered reported by the Committee on Education and Labor on May 16, 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

Attachment.

IV. CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1013.

2. Bill title: Education of the Handicapped Act Amendments of 1990.

3. Bill status: As ordered reported from the House Education and Labor Committee, May 16, 1990.

4. Bill purpose: The primary purpose of this bill is to amend and extend for five years the authorization for appropriations for several grant programs under the Education of the Handicapped Act.

5. Estimated cost to the Federal Government:

[By fiscal years, in thousands of dollars]

	1991	1992	1993	1994	1995
Authorization levels:					
Regional resource centers	8,950	9,850	10,830	11,900	.....
Services for deaf-blind children	21,900	24,100	26,500	29,200	.....
Early childhood education	33,200	36,500	40,120	44,120	.....
Programs for severely handicapped children	9,500	10,500	11,600	12,700	.....
Secondary education and transitional services	9,800	10,800	11,900	13,050	.....
Coordination of transitional services with vocational rehabilitation agencies	27,500	30,250	33,275	36,602	.....
Programs for children with serious emotional disturbances	8,000	10,000	12,000	15,000	.....
Postsecondary education	8,000	8,780	9,660	10,630	.....
Personnel development	95,600	105,150	115,660	127,200	.....
Personnel development programs at historically black colleges	19,250	21,175	23,293	25,622	.....
Parent training	11,000	12,000	13,300	14,600	.....
Recruitment and clearinghouses	2,420	2,700	2,900	3,200	.....
Research	24,300	26,800	29,400	32,400	.....

[By fiscal years, in thousands of dollars]

	1991	1992	1993	1994	1995
Media and capitation services	20,010	22,010	24,200	26,600	.....
Textbook translation services	1,397	1,453	1,511	1,571	.....
Special education technology	13,300	14,700	16,140	17,980	.....
Total authorization level	314,127	346,768	382,289	422,195	.....
Total estimated outlays	50,261	256,525	339,641	380,918	345,953

The costs of this bill fall in Function 500.

Basis of estimate: With one exception, the authorization levels shown in the table are stated in the bill. This bill authorizes such sums as may be necessary each year for grants to Recording for the Blind, Inc. to provide free textbook and other educational material through transcribed tapes and cassettes. The 1991 through 1994 estimate of this grant is based on the level of funds Recording for the Blind, Inc. received in 1990, which was $1,343 thousand, adjusted each year for projected inflation.

H.R. 1013 also includes authorization of appropriations for each program for fiscal year 1990. The effective date of the bill, however, is either October 1, 1990 or the date of enactment, whichever is later. Thus, the 1990 authorizations would not be effective for 1990 and are not shown in this cost estimate.

Estimated total outlays for all the programs assume that the authorizations are fully appropriated at the beginning of each fiscal year and reflect the current program spending patterns.

6. Estimated cost to State and local governments: State and local governments, along with many other types of public and private agencies and colleges, may apply for almost all of the grant programs authorized in H.R. 1013. There are no Federal funds matching requirements.

H.R. 1013, however, would affect the amount of funds allocated to State and local governments for the permanently authorized basic grants to States for the education of handicapped children. This bill would require the Secretary of Education to reserve one percent of the basic grants appropriation to fund program evaluations and Federal studies. This set-aside of funds would lower the amount allocated to State and local governments. In 1990, State and local governments received $1,510 million in basic grants; one percent of this amount would be $15 million.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic (226–2820).

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(1) of Rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

V. Inflationary Impact Statement

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1031 will have no inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

Oversight findings of the committee

With reference to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee's oversight findings are set forth in the Background and Need for the Legislation sections of this report. No additional oversight findings are applicable at this time.

Oversight findings and recommendations of the committee on government operations

In compliance with clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, no findings or recommendations by the Committee on Government Operations were submitted to the Committee with reference to the subject matter specifically addressed in H.R. 1031.

VI. Section-by-Section Analysis

Section 1—Short title

"Education of the Handicapped Act Amendments of 1990".

Title I—General provisions

Section 101—Definitions

This section amends several definitions in current law and creates several new definitions.

Section 102—Abrogation of State sovereign immunity

This section would prevent a State from claiming immunity from suit under this Act pursuant to the Eleventh Amendment of the U.S. Constitution.

Section 103—Reports, evaluations, findings, and other provisions

This section requires the Secretary to maintain a program planning process for the implementation of each of the programs authorized under Section 618 and parts C through G. Additionally, this section specifies independent evaluations of the programs previously referenced, reporting of evaluation findings, dissemination mechanisms, and structure and composition of peer review panels.

This section requires the Secretary to establish a priority for awarding grants and contracts to minority entities and implement an outreach program.

TITLE II—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED INDIVIDUALS

Section 201—Settlements and allocations

This section makes technical changes relating to preschool services for Indian children on reservations and through other entities and requires a coordinated service plan.

Section 202—State plans

This section requires the inclusion of a comprehensive system of personnel development (CSPD) including new data collection requirements within a State plan to be updated annually.

Section 203—Administration

This section requires the Department of Education to conduct an evaluation study and develop a plan to develop and implement a computer-based information management system.

Section 204—Evaluation

This section requires modifications and additions to State data collection requirements and evaluations required to be reported. Additionally, authorizes special studies to assess the implementation of the Act and revises the cooperative agreements with the States to study the impact and effectiveness of the Act.

TITLE III—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS

Section 301—Regional resource and Federal centers

This section clarifies the role of the Regional Resource Centers (RRCs) so that the services provided will be consistent with the priority needs of their region. The Secretary is directed to establish and panel representing the Department's Office of Special Education and Rehabilitative Services (OSERS), regional resource centers, State special education directors, and disability advocates to develop guidelines for the administration of the RRCs. The Federal Resource Center is directed to provide technical assistance limited to the priorities set forth in the State plans.

Section 302—Services for deaf-blind children and youth

This section authorizes the Secretary to establish a clearinghouse on deaf-blindness and provides a definition of deaf-blindness. Additionally, the section lowers the age of eligibility to receive transition services from 22 to 18, authorizes the Secretary to establish single or multi-state centes for deaf-blind children and youth and their families, and authorizes pilot projects to expand LEA capabilities by providing services to deaf-blind children and youth that supplement those already required to be provided under EHA.

Section 303—Early education for handicapped children

This section would require the technical assistance development system to provide assistance to a range of consumers. Research projects and training may include programs to integrate children with disabilities into regular preschool programs.

Section 304—Programs for severely handicapped children

This section authorizes extended school year demonstration projects and statewide systems change projects.

Section 305—Postsecondary education programs

This section authorizes the funding of joint projects and specifies that coordination between grantees include transition, special education projects and the clearinghouse on postsecondary education. Minimum funding levels for the four regional postsecondary education programs for deaf students will be increased to $4 million.

Section 306—Secondary education and transition services

This section authorizes the Secretary to establish demonstration models which emphasize the special needs of students requiring the use of assistive technology as they make the transition from an educational setting to employment, postsecondary education, and independent living. The programs funded would also address the need for dissemination of exemplary approaches to transition programs. Additionally, this section would authorize one-time, 5-year grants to implement and improve transition services. These must be projects jointly administered by the SEA and the State vocational rehabilitation agency or, where stipulated, another related State agency. A provision requires a separate evaluation of these projects.

Section 307—Program for children and youth with serious emotional disturbance

This section authorizes a new program of research, demonstration and training to address the needs of children and youth with serious emotional disturbance.

Section 308—Authorizations

This section specifies authorization of appropriations (see chart).

TITLE IV—TRAINING PERSONNEL FOR THE EDUCATION OF HANDICAPPED INDIVIDUALS

Section 401—Grants for personnel training

This section specifies that current regular or special educators may participate in training and provides a priority for the training of minority personnel and requires applicants to describe strategies for recruitment of minority and disabled individuals.

Additionally this section would provide a line item for personnel training to Historically Black Colleges and Universities and other minority institutions having at least 25% minority student enrollment. Establishes that a requirement for receipt of a fellowship is repayment or work in the field and provides authority to fund training conducted on an interdisciplinary basis.

Parent training centers would be required to have minority representation on their board of directors. Reporting requirements would be added for these centers. Additionally, five new demonstration centers to serve high density areas would be authorized.

Section 402—Grants to State education agencies and higher education institutions

This section authorizes State education agencies to use funds for the development and maintenance of their CSPD and for recruitment and retention activities.

Section 403—Clearinghouses

This section requires clearinghouses to report on the numbers of individuals served, a listing of new products developed and disseminated, and a description of strategies and activities for previously underrepresented groups.

Section 404—Reports to Secretary

This section specifies additional information required from the parent training centers and the clearinghouses to be included in reports to the Secretary.

Section 405—Authorizations

This section refers to authorization of appropriations (see chart).

TITLE V—RESEARCH IN EDUCATION OF HANDICAPPED INDIVIDUALS

Section 501—Research and demonstration projects

This section authorizes a range of research activities to enhance knowledge in the field of special education, and to improve program management, administration, and delivery of special education, early intervention, and related services.

This section establishes model demonstration programs to provide services of an ombudsman to assist in resolving problems which are barriers to children and youth with disabilities receiving services.

Section 502—Research and demonstration projects in physical education and recreation

This section amends the definition of recreation to include therapeutic recreation.

Section 503—Panel of experts

This section deletes this provision. Now included under section 103.

Section 504—Authorizations

This section refers to authorization of appropriations (see chart).

TITLE VI—INSTRUCTIONAL MEDIA FOR HANDICAPPED INDIVIDUALS

Section 601—Purposes

This section adds visually impaired individuals to the purpose of this program.

Section 602—Captioned films and educational media

This section authorizes support for the development of audio described video materials ("descriptive video") for blind and visually impaired individuals, which is analogous to current support for

captioning of films and video for deaf and hearing impaired individuals. Additionally, this section establishes authority for Recording for the Blind, Inc. in a new subsection.

Section 603—Authorizations

This section refers to authorization of appropriations (see chart).

TITLE VII—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR HANDICAPPED INDIVIDUALS

Section 701—Financial assistance

This section specifies that projects funded in this section will be required, where appropriate, to coordinate with State projects funded under the new "Technology-Related Assistance Act" (P.L. 100-407). This section specifies that projects involving assistive technology are eligible for funding. Additionally, requires the Secretary to make efforts to insure that instructional materials funded under this project are closed-captioned.

Section 702—Authorizations

This section refers to authorization of appropriations (see chart).

TITLE VIII—HANDICAPPED INFANTS AND TODDLERS

Section 801—Definitions

This section adds social work services to the definition of early intervention services.

Section 802—Requirements for statewide system

This section amends some of the requirements for a statewide system and creates a new requirement regarding the dissemination of information to parents.

TITLE IX—TECHNICAL AMENDMENTS

Section 901—Revisions in terminology

This section makes various technical and conforming amendments relating to changes in terminology. The title of the Act would be renamed "Individuals with Disabilities Education Act" (IDEA).

TITLE X—GENERAL PROVISIONS

Section 1001—Effective date

This section makes the effective date for the legislation as October 1, 1990 or upon enactment.

Authorization levels

All existing programs have been increased by 10%.
This reauthorization period is for five years.

AUTHORIZATION LEVELS FOR EHA

	Fiscal year—				
	1990	1991	1992	1993	1994
Title II—Part B Programs:					
SEC. 205—Special Studies	1 percent of Part B for each of the fiscal years 1990 through 1994				
Title III—Part C Programs:					
Sec. 301—Regional Resource Centers	8,140,000	8,950,000	9,850,000	10,830,000	11,990,000
Sec. 302—Deaf-Blind Programs	19,900,000	21,900,000	24,100,000	26,500,000	29,200,000
Sec. 303—Early Education	30,140,000	33,200,000	36,500,000	40,120,000	44,120,000
Sec. 304—Severely Handicapped	8,700,000	9,500,000	10,500,000	11,600,000	12,700,000
Sec. 305—Postsecondary Education	7,300,000	8,000,00	8,780,000	9,660,000	10,630,000
Sec. 306—Secondary Education & Transition	8,900,000	9,800,000	10,800,000	11,900,000	13,050,000
Sec. 306(e)—New Transition Initiative	25,000,000	27,500,000	30,250,000	33,275,000	36,602,000
Sec. 307—Serious Emotional Disturbance	5,000,000	8,000,000	10,000,000	12,000,000	15,000,000
Title IV—Part D Programs:					
Sec. 401(a)(1)—Personnel Training	86,900,000	95,600,000	105,150,000	115,660,000	127,100,000
Sec. 401(a)(6)—HBCU's	17,500,000	19,250,000	21,175,000	23,292,500	25,621,750
Sec. 401(c)—Parent Training	10,000,000	11,000,000	12,100,000	13,300,000	14,600,000
Sec. 403—Clearinghouses	2,200,000	2,420,000	2,700,00	2,900,000	3,200,000
Title V—Part E Programs:					
Sec. 501 & 502—Research and Innovation	22,100,000	24,300,000	26,800,000	29,400,000	32,400,000
Title VI—Part F Programs:					
Sec. 601 & 602—Instructional Media	18,200,000	20,010,000	22,010,000	24,200,000	26,600,000
Sec. 602(d)—Recording for the Blind	Such sums as may be necessary for each of the fiscal years 1990 through 1994				
Title VII—Part G Programs:					
Sec. 701—Technology, Education Media And Materials	12,130,000	13,300,000	14,700,000	16,140,000	17,800,000

VII. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

EDUCATION OF THE HANDICAPPED

Part A—General Provisions

SHORT TITLE; STATEMENT OF FINDINGS AND PURPOSE

Sec. 601. (a) [This title may be cited as the "Education of the Handicapped Act".] *This title may be cited as the "Individuals With Disabilities Education Act".*

(b) The Congress finds that—

(1) there are more than eight million [handicapped children] *children with disabilities* in the United States today;

* * * * * * *

(3) more than half of the [handicapped children] *children with disabilities* in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

(4) one million of the [handicapped children] *children with disabilities* in the United States are excluded entirely from the

public school system and will not go through the educational process with their peers;

(5) there are many [handicapped children] *children with disabilities* throughout the United States participating in regular school programs whose [handicaps] *disabilities* prevent them from having a successful educational experience because their [handicaps] *disabilities* are undetected;

* * * * * * *

(7) developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of [handicapped children] *children with disabilities*;

(8) State and local educational agencies have a responsibility to provide education for all [handicapped children] *children with disabilities*, but present financial resources are inadequate to meet the special educational needs of [handicapped children] *children with disabilities*; and

(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of [handicapped children] *children with disabilities* in order to assure equal protection of the law.

(c) It is the purpose of this Act to assure that all [handicapped children] *children with disabilities* have available to them, within the time periods specified in section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of [handicapped children] *children with disabilities* and their parents or guardians are protected, to assist States and localities to provide for the education of all [handicapped children] *children with disabilities*, and to assess and assure the effectiveness of efforts to educate [handicapped children] *children with disabilities*.

DEFINITIONS

SEC. 602. (a) As used in this title—

[(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services.]

(1) The term "children with disabilities" means children—

(A) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments including attention deficit disorder, or specific learning disabilities; and

(B) who, by reason thereof, need special education and related services.

* * * * * * *

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of [handicapped children] *children with disabilities*, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

* * * * * * *

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual [handicaps] *disabilities*, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor [handicaps] *disabilities*, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(16) The term "special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a [handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.] *child with disablities, including—*

(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(B) instruction in physical education.

(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, [recreation,] *recreation including therapeutic recreation, social work services,* and medical and counseling services, *including rehabilitation counseling,* except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a [handicapped child] *child with disabilities* to benefit from special education, and includes the early identification and assessment of [handicapping] *disabling* conditions in children.

* * * * * * *

(19) The term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to integrated employment (including supported employment), post-secondary education, vocational training, continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's prefer-

ences and interests, and shall include, but not be limited to, instruction, community experiences, the development of employment and other post-school adult living objectives, and when appropriate acquisition of daily living skills and functional vocational evaluation.

[(19)] *(20)* The term "individualized education program" means a written statement for each [handicapped child] *child with disabilities* developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of [handicapped children] *children with disabilities*, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include—

(A) a statement of the present levels of educational performance of such child,

(B) a statement of annual goals, including short-term instructional objectives,

(C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs,

(D) a statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and when determined appropriate for the individual, beginning at age 14 or younger), including when appropriate, a statement of the interagency reponsibilities or linkages (or both) before the student leaves the school setting,

[(D)] *(E)* the projected date for initiation and anticipated duration of such services, and

[(E)] *(F)* appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

[(20)] *(21)* The term "excess costs" means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

(A) amounts received—

(i) under this part,

(ii) under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, or

(iii) under title VII of the Elementary and Secondary Education Act of 1965, and

(B) any State or local funds expended for programs that would qualify for assistance under such part, chapter, or title.

[(21)] *(22)* The term "native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act.

[(22)] *(23)* The term "intermediate educational unit" means any public authority, other than a local educational agency, which is under the general supervision of a State educational

agency, which is established by State law for the purpose of providing free public education on a regional basis, and which provides special education and related services to [handicapped children] *children with disabilities* within that State.

[(23)] *(24)*(A) The term "public or private nonprofit agency or organization" includes an Indian tribe *and the Bureau of Indian Affairs of the Department of the Interior (when acting on behalf of schools operated by the Bureau for children and students on Indian reservations) and tribally controlled schools funded by the Department of Interior.*

(B) The terms "Indian", "American Indian", and "Indian American" mean an individual who is a member of an Indian tribe.

(C) The term "Indian tribe" means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

(b) For purposes of part C of this title, "[handicapped youth] *youth with disabilities*" means any [handicapped child] *child with disabilities* (as defined in subsection (a)(1)) who—

(1) * * *

* * * * * * *

(25) The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(26) The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

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OFFICE OF SPECIAL EDUCATION PROGRAMS

SEC. 603. (a) There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act and other programs and activities concerning the education and training of the [handicapped] *disabled*.

* * * * * * *

ABROGATION OF STATE SOVEREIGN IMMUNITY

SEC. 604. (a) A State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

(b) In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public entity other than a State.

(c) The provisions of subsections (a) and (b) shall take effect with respect to violations that occur in whole or part after the date of the enactment of the Education of the Handicapped Act Amendments of 1990.

* * * * * * *

EMPLOYMENT OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

SEC. 606. The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified [handicapped individuals] *individuals with disabilities* in programs assisted under this Act.

* * * * * * *

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 608. (a) * * *

(b) The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act which would procedurally or substantively lessen the protections provided to [handicapped children] *children with disabilities* under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

* * * * * * *

ADMINISTRATIVE PROVISIONS APPLICABLE TO PARTS C THROUGH G AND SECTION 618

SEC. 610. (a) The Secretary shall maintain a program planning process for the implementation of each of the programs authorized under section 618 and parts C through G. The process shall include the establishment of goals, objectives, strategies, and priorities. In conducting the process, the Secretary shall involve individuals with disabilities, parents, professionals, and representatives of State and local educational agencies, private schools, institutions of higher education, and national organizations who have interest and expertise in the program.

(b) The Secretary shall conduct directly, or by contract or cooperative agreement with appropriate entities, independent evaluations of the programs authorized under section 618 and under parts C through G, and may for such purpose use funds appropriated to carry out such provisions. The findings of the evaluators shall be utilized in the planning process under subsection (a) for the purpose of improving the programs. The evaluations shall determine the degree to which the program is being conducted consistent with the program plan and meeting its goals and objectives. The Secretary shall submit to the appropriate committees of the Congress the results of the evaluations required by this subsection.

(c) The Secretary shall report the program plans required in subsection (a) and findings from the evaluations under subsection (b) in the annual report to the Congress required under section 618.

(d) The Secretary shall develop effective procedures for acquiring and disseminating information derived from programs and projects funded under parts C through G, as well as information generated from studies conducted and data collected under section 618.

(e) The Secretary shall, where appropriate, require recipients of grants, contracts, or cooperative agreements under section 618 and parts C through G to prepare reports describing their procedures, findings, and other relevant information in a form that will maximize their dissemination and use and shall require their delivery, as appropriate, to the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D of this Act, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, and such other networks as the Secretary may determine to be appropriate.

(f)(1) The Secretary shall convene, in accordance with paragraph (2), panels of experts who are competent, by virtue of their training or experience, to evaluate proposals under section 618 and parts C through G.

(2) Panels under paragraph (1) shall be composed of individuals with disabilities, parents of such individuals, individuals from the fields of special education, related services, and other relevant disciplines.

(3) The Secretary shall convene panels under paragraph (1) for any application that includes a total funding request exceeding

$60,000 and may convene or otherwise appoint panels for applications that include funding requests that are less than such amount.

(4) Panels under paragraph (1) shall include a majority of non-Federal members. Such non-Federal members shall be provided travel and per diem not to exceed the rate provided to other educational consultants used by the Department of Education and shall be provided consultant fees at such a rate.

(5) The Secretary may use funds available under section 618 and parts C through G to pay expenses and fees of non-Federal members of the panels.

(g) GOALS FOR MINORITIES AND UNDERSERVED PERSONS.—(1) With respect to the discretionary programs authorized by parts C through G, the Congress finds as follows:

(A)(i) The Federal Government must be responsive to the growing needs of an increasingly more diverse society. A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

(ii) America's racial profile is rapidly changing. While the rate of increase for white Americans is 3.2 percent, the rate of increase for racial and ethnic minorities is much higher: 38.6 percent for Hispanics, 14.6 percent for African-Americans, and 40.1 percent for Asians and other ethnic groups.

(iii) By the year 2000, this Nation will have 260,000,000 people, one of every three of whom will be either African-American, Hispanic, or Asian-American.

(iv) Taken together as a group, it is a more frequent phenomenon for minorities to comprise the majority of public school students. Large city school populations are overwhelmingly minority, e.g., Miami, 71 percent; Philadelphia, 73 percent; Baltimore, 80 percent.

(v) Recruitment efforts within special education at the level of preservice, continuing education, and practice must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of special education.

(vi) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation. In the Nation's 2 largest school districts limited-English students make up almost half of all students initially entering school at the kindergarten level. Studies have documented apparent discrepancies in the levels of referral and placement of limited-English proficient children in special education. The Department of Education has found that services provided to limited-English proficient students often do not respond primarily to the pupil's academic needs. These trends pose special challenges for special education in the referral, assessment, and services for our Nation's students from non-English language backgrounds.

(B)(i) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

(ii) More minority children continue to be served in special education that would be expected from the percentage of minority students in the general school population.

(iii) Poor African-American children are 3.5 times more likely to be identified by their teacher as mentally retarded than their white counterpart.

(iv) Although African-Americans represent 12 percent of elementary and secondary enrollments, they constitute 28 percent of total enrollments in special education.

(v) The drop out rate is 68 percent higher for minorities than for whites.

(vi) More than 50 percent of minority students in large cities drop out of school.

(C)(i) The opportunity for full participation in awards for grants and contracts; boards of organizations receiving funds under this Act; and peer review panels; and training of professionals in the area of special education by minority individuals, organizations, and historically Black colleges and universities is essential if we are to obtain greater success in the education of minority children with disabilities.

(ii) In 1989, of the 661,000 college and university professors, 4.6 percent were African-American and 3.1 percent were Hispanic. Of the 3,600,000 teachers, prekindergarten through high school, 9.4 percent were African-American and 3.9 percent were Hispanic.

(iii) Students from minority groups comprise more than 50 percent of K–12 public school enrollment in seven States yet minority enrollment in teacher training programs is less than 15 percent in all but six States.

(iv) As the number of African-American and Hispanic students in special education increases, the number of minority teachers and related service personnel produced in our colleges and universities continues to decrease.

(v) Ten years ago, 12.5 percent of the United States teaching force in public elementary and secondary schools were members of a minority group. Minorities comprised 21.3 percent of the national population at that time and were clearly underrepresented then among employed teachers. Today, the elementary and secondary teaching force is 3 to 5 percent minority, while one-third of the students in public schools are minority children.

(vi) As recently as 1984–85, Historically Black Colleges and Universities (HBCUs) supplied nearly half of the African-American teachers in the Nation. However, in 1988, HBCUs received only 2 percent of the discretionary funds for special education and related services personnel training.

(vii) While African-American students constitute 28 percent of total enrollment in special education, only 11.2 percent of preservice special education teachers are African-American.

(viii) In 1986–87, of the degrees conferred in education at the B.A., M.A., and Ph.D. levels, only 6, 8, and 8 percent, respectively, were awarded to African-American or Hispanic students.

(D) Minorities and underserved persons are socially disadvantaged because of the lack of opportunities in training and edu-

cational programs, undergirded by the discriminatory practices in the private sector that impede their full participation in the mainstream of society.

(2) That these conditions can be greatly improved by providing opportunities for the full participation of minorities through the implementation of the following recommendations:

(A) Implementation of a policy to mobilize the Nation's resources to prepare minorities for careers in special education and related services.

(B) This policy should focus on—

(i) the recruitment of minorities into teaching; and

(ii) financially assisting HBCUs and other institutions of higher education (whose minority student enrollment is at least 25 percent) to prepare students for special education and related service careers.

(C)(i) With respect to entities described in clause (ii), establishing the highest priority in each of the fiscal years 1991 through 1994 for awarding to such entities grants, contracts, and cooperative agreements that are authorized in any of parts C through G for purposes of research, training, technical assistance, dissemination of information, development, demonstration, or other activities.

(ii) The entities referred to in clause (i) are applicants for grants, contracts, and cooperative agreements under any of parts C through G that—

(I) have appropriate qualifications for conducting the activity for which the financial assistance is to be provided; and

(II) have expertise in, and a record of, successfully recruiting, retraining, graduating, and promoting minority individuals and individuals with disabilities.

(D)(i) The Secretary shall develop a plan for providing outreach services to the entities described in clause (ii) in order to increase the participation of such entities in competitions for grants, contracts, and cooperative agreements under any of parts C through G.

(ii) The entities referred to in clause (i) are—

(I) Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 25 percent;

(II) minority institutions (as defined in the Higher Education Act of 1965);

(III) nonprofit and for-profit agencies at least 51 percent owned or controlled by one or more minority individuals; and

(IV) underrepresented populations.

(iii) For the purpose of implementing the plan required in clause (i), the Secretary shall, for each of the fiscal years 1991 through 1994, expend 1 percent of the funds appropriated for the fiscal year involved for carrying out parts C through G.

(3) The Secretary shall exercise his/her utmost authority, resourcefulness, and diligence to meet the requirements of this subsection.

(4) Not later than January 31 of each year, starting with fiscal year 1991, the Secretary shall submit to Congress a final report on

the progress toward meeting the agreements of this subsection during the preceding fiscal year. The report shall include—

(i) a full explanation of any progress toward meeting the requirements of this subsection;

(ii) a plan to meet the requirements, if necessary; and

(iii) a description of the percentage of contracts, grants, and cooperative agreements, the total dollar amount, and the number of different entities relative to the requirement of this subsection.

(5) For purposes of this Act:

(i) The term "minority" means—

(I) persons who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities, such as African-Americans, Hispanic Americans, Native Americans, and Asian Americans, and

(II) individuals with disabilities.

(ii) The term "underserved" means populations such as minorities, the poor, and the limited-English proficient.

PART B—ASSISTANCE FOR EDUCATION OF ALL [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SETTLEMENTS AND ALLOCATIONS

SEC. 611. (a)(1) Except as provided in paragraph (3) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

(A) the number of [handicapped children] *children with disabilities* aged 3–5, inclusive, in a State who are receiving special education and related services as determined under paragraph (3) if the State is eligible for a grant under section 619 and the number of [handicapped children] *children with disabilities* aged 6–21, inclusive, in a State who are receiving special education and related services as so determined;

multiplied by—

* * * * * * *

(3) The number of [handicapped children] *children with disabilities* receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on December 1 of the fiscal year preceding the fiscal year for which the determination is made.

* * * * * * *

(5)(A) In determining the allotment of each State under paragraph (1), the Secretary may not count—

(i) [handicapped children] *children with disabilities* aged three to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged three to seventeen, inclusive, in such State and the State serves all [handicapped children] *children with disabilities* aged three to five,

inclusive, in the State pursuant to State law or practice or the order of any court,

(ii) [handicapped children] *children with disabilities* aged five to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged five to seventeen, inclusive, in such State and the State does not serve all [handicapped children] *children with disabilities* aged three to five, inclusive, in the State pursuant to State law or practice or the order of any court; and

(iii) [handicapped children] *children with disabilities* who are counted under subpart 2 of part D of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965.

* * * * * * *

(c)(1) * * *

* * * * * * *

(4)(A) * * *

(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to [handicapped children] *children with disabilities* residing in the area served by such local educational agency or such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of [handicapped children] *children with disabilities* aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of [handicapped children] *children with disabilities* aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

* * * * * * *

(f)(1) The Secretary shall make payments to the Secretary of the Interior according to the need for assistance for the education of [handicapped children] *children with disabilities* on reservations *(A)* served by elementary and secondary schools operated for Indian children by the Department of the Interior, *and (B) for whom services were provided through contract with an Indian tribe or organization prior to fiscal year 1989.* The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate amounts available to all States under this section for that fiscal year.

(2) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary an application which—

(A) meets the applicable requirements of sections 612, 613, and 614(a),

(B) includes satisfactory assurance that all [handicapped children] *children with disabilities* aged 3 to 5, inclusive, receive a free appropriate public education by or before the 1987–1988 school year,

* * * * * * *

(3) Before March 1, 1991, the Secretary of the Interior shall submit to the appropriate Committees of the Congress a plan for the provision of services under this Act to all handicapped children residing on reservations, whether or not such reservation is served by a B.I.A. funded school. Such plan shall provide for the coordination of services benefiting these children from whatever source, including but not limited to, Tribe(s), the State in which the child resides and entities of such State, the Indian Health Service, other B.I.A. divisions and other Federal agencies. In developing such a plan, the Secretary shall consult with all interested and involved parties. Such a plan may not be based upon a blanket assumption or interpretation which denies Federal or Interior responsibility for any group(s) or class(es) of children or settings, but shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of service agreements between the B.I.A. and other entities.

* * * * * * *

ELIGIBILITY

SEC. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met:

(1) The State has in effect a policy that assures all [handicapped children] *children with disabilities* the right to a free appropriate public education.

(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

(A) there is established (i) a goal of providing full educational opportunity to all [handicapped children] *children with disabilities*, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

(B) a free appropriate public education will be available for all [handicapped children] *children with disabilities* between the ages of three and eighteen within the State not later than September 1, 1978, and for all [handicapped children] *children with disabilities* between the ages of three and twenty-one within the State not later

than September 1, 1980, except that, with respect to [handicapped children] *children with disabilities* aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

(C) all children residing in the State who are [handicapped] *disabled*, regardless of the severity of their [handicap] *disability*, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

* * * * * * *

(3) The State has established priorities for providing a free appropriate public education to all [handicapped children] *children with disabilities*, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to [handicapped children] *children with disabilities* who are not receiving an education, and second with respect to [handicapped children] *children with disabilities*, within each disability, with the most severe [handicaps] *disabilities* who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

(4) Each local educational agency in the State will maintain records of the individualized education program for each [handicapped child] *child with disabilities*, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, [handicapped children] *children with disabilities*, including children in public or private institutions or other care facilities, are educated with children who are not [handicapped] *disabled*, and that special classes, separate schooling, or other removal of [handicapped children] *children with disabilities* from the regular educational environment occurs only when the nature or severity of the [handicap] *disability* is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of [handicapped children] *children with disabilities* will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall

be the sole criterion for determining an appropriate educational program for a child.

(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for [handicapped children] *children with disabilities* within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for [handicapped children] *children with disabilities* in the State educational agency and shall meet educational standards of the State educational agency. This paragraph shall not be construed to limit the responsibility of agencies other than educational agencies in a State from providing or paying for some or all of the costs of a free appropriate public education to be provided [handicapped children] *children with disabilities* in the State.

(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of [handicapped children] *children with disabilities*, including [handicapped individuals] *individuals with disabilities* and parents or guardians of [handicapped children] *children with disabilities*, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613.

STATE PLANS

SEC. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Secretary, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as the Secretary deems necessary. Each such plan shall—

(1) * * *

(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and section 202(1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of [handicapped children] *children with disabilities*, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all [handicapped children] *children with disabilities*, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

[(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for—

[(A) the development and implementation of a comprehensive system of personnel development, which shall include—

[(i) inservice training of general and special educational instructional and support personnel,

[(ii) detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and

[(iii) effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and .

[(B) adopting, where appropriate, promising educational practices and materials developed through such projects;]

(3)(A) set forth, consistent with the purposes of this part, a comprehensive system of personnel development that shall include a description of the plan the State will carry out to ensure an adequate supply of qualified personnel to administer, support, and provide special education and related services to children and youth with disabilities. At a minimum, the State shall develop a plan and update it annually as part of its requirements under this section. As appropriate, the State shall describe how it intends to respond to the requirements of this paragraph for the upcoming year and report what activities it completed and information it compiled in response to the requirements of this paragraph for the year just ending. Specifically—

(i) the State shall determine and document in the plan the number and type of personnel by area of specialization, including leadership personnel: who are employed; who are employed on an emergency, provisional, or other basis, or other form of exemption from State certification or licensure; and who are needed currently and over a 5-year time frame to adequately respond to current and projected needs of children with disabilities, taking into account projected rates of personnel attrition and other factors;

(ii) the State shall determine and document the number of personnel being trained and the number graduating with certification or licensure in special education or related services, including leadership personnel, from institutions of higher education within the State, and the extent to which this meets or will meet State personnel needs;

(iii) the State shall describe how it intends to recruit and retain qualified personnel in order to overcome current and projected personnel shortages, including shortages caused by use of personnel without certification or licensure, and the extent to which it was successful in overcoming personnel shortages;

(iv) the State shall describe how it intends to identify and meet the continuing education needs of special education and related services personnel, including leadership personnel, and the extent to which it has been successful in meeting those needs;

(v) the State shall describe how it intends to disseminate information about both research and effective practice to special education and related services personnel, including leadership personnel, and the extent to which it has done so; and

(vi) the State shall include provisions to increase the supply of special education and related services personnel from racial and ethnic minority groups and individuals with disabilities.

(B) States shall take steps toward compliance with this paragraph in fiscal year 1991; full compliance with this paragraph shall be required in State Plans or amendments to State Plans required for such plans submitted beginning for fiscal year 1992;

(4) set forth policies and procedures to assure—

(A) that, to the extent consistent with the number and location of [handicapped children] *children with disabilities* in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

(B) that—

(i) [handicapped children] *children with disabilities* in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all [handicapped children] *children with disabilities* within such State, and

* * * * * * *

(9) provide satisfactory assurance that Federal funds made available under this part—

(A) will not be commingled with State funds, and

(B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to [handicapped children] *children with disabilities* under this part and in no case to supplant such Federal, State and local funds, except that, where the State provides clear and convincing evidence that all [handicapped children] *children with disabilities* have available to them a free appropriate public education, the Secretary may waive in part the requirement of

this subparagraph if the Secretary concurs with the evidence provided by the State;

* * * * * * *

(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of [handicapped children] *children with disabilities* (including evaluation of individualized education programs), in accordance with such criteria that the Secretary shall prescribe pursuant to section 617;

(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of [handicapped children] *children with disabilities*, including [handicapped individuals] *individuals with disabilities*, teachers, parents or guardians of [handicapped children] *children with disabilities*, State and local education officials, and administrators of programs for [handicapped children] *children with disabilities*, which—

(A) advises the State educational agency of unmet needs within the State in the education of [handicapped children] *children with disabilities*,

(B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of [handicapped children] *children with disabilities* and the procedures for distribution of funds under this part, and

(C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of the responsibilities of the Secretary under section 618;

(13) set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies to—

(A) define the financial responsibility of each agency for providing [handicapped children] *children with disabilities* and youth with free appropriate public education, and

* * * * * * *

(b) Whenever a State educational agency provides free appropriate public education for [handicapped children] *children with disabilities*, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

* * * * * * *

(d)(1) If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of [handicapped children] *children with disabilities* en-

rolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of service to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services an amount per child which may not exceed the Federal amount provided per child under this part to all [handicapped children] *children with disabilities* enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

* * * * * * *

(e) This Act shall not be construed to permit a State to reduce medical and other assistance available or to alter eligibility under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for [handicapped children] *children with disabilities* within the State.

APPLICATION

SEC. 614. (a) A local educational agency or an intermediate educational unit which desires to receive payments under section 611(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall—

(1) provide satisfactory assurance that payments under this part will be used for excess costs directly attributable to programs which—

(A) provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are [handicapped] *disabled*, regardless of the severity of their [handicap] *disability*, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services;

(B) establish policies and procedures in accordance with detailed criteria prescribed under section 617(c);

(C) establish a goal of providing full educational opportunities to all [handicapped children] *children with disabilities*, including—

(i) procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency under section 613(a)(3);

(ii) the provision of, and the establishment of priorities for providing, a free appropriate public education to all [handicapped children] *children with disabilities*, first with respect to [handicapped children] *children with disabilities* who are not receiving an education, and second with respect to [handicapped

children] *children with disabilities*, within each disability, with the most severe [handicaps] *disabilities* who are receiving an inadequate education;

. . . . . .

(2) provide satisfactory assurance that—

(A) the control of funds provided under this part, and title to property derived from such funds, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property,

(B) Federal funds expended by local educational agencies and intermediate educational units for programs under this part—

(i) shall be used to pay only the excess costs directly attributable to the education of [handicapped children] *children with disabilities*; and

(ii) shall be used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of [handicapped children] *children with disabilities*, and in no case to supplant such State and local funds; and

. . . . . .

(3) provide for—

(A) furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of [handicapped children] *children with disabilities* participating in programs carried out under this part; and

. . . . . .

(5) provide assurances that the local educational agency or intermediate educational unit will establish or revise, whichever is appropriate, an individualized education program for each [handicapped child] *child with disabilities* at the beginning of each school year and will then review and, if appropriate, revise, its provisions periodically, but not less than annually;

. . . . . .

(c)(1) A State educational agency may, for purposes of the consideration and approval of applications under this section, require local educational agencies to submit a consolidated application for payments if such State educational agency determines that any individual application submitted by any such local educational agency will be disapproved because such local educational agency is ineligible to receive payments because of the application of section 611(c)(4)(A)(i) or such local educational agency would be unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of [handicapped children] *children with disabilities*.

. . . . . .

(d) Whenever a State educational agency determines that a local educational agency—

(1) * * *

* * * * * * * *

(3) has one or more [handicapped children] *children with disabilities* who can best be served by a regional or State center designed to meet the needs of such children;

the State educational agency shall use the payments which would have been available to such local educational agency to provide special education and related services directly to [handicapped children] *children with disabilities* residing in the area served by such local educational agency. The State educational agency may provide such education and services in such manner, and at such locations (including regional or State centers), as it considers appropriate, except that the manner in which such education and services are provided shall be consistent with the requirements of this part.

(e) Whenever a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all [handicapped children] *children with disabilities* residing in the area served by such agency with State and local funds otherwise available to such agency, the State educational agency may reallocate funds (or such portion of those funds as may not be required to provide such education and services) made available to such agency, pursuant to section 611(d), to such other local educational agencies within the State as are not adequately providing special education and related services to all [handicapped children] *children with disabilities* residing in the areas served by such other local educational agencies.

(f) Notwithstanding the provisions of subsection (a)(2)(B)(ii), any local educational agency which is required to carry out any program for the education of [handicapped children] *children with disabilities* pursuant to a State law shall be entitled to receive payments under section 611(d) for use in carrying out such program, except that such payments may not be used to reduce the level of expenditures for such program made by such local educational agency from State or local funds below the level of such expenditures for the fiscal year prior to the fiscal year for which such local educational agency seeks such payments.

PROCEDURAL SAFEGUARDS

SEC. 615. (a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that [handicapped children] *children with disabilities* and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

(b)(1) The procedures required by this section shall include, but shall not be limited to—

(A) an opportunity for the parents or guardian of a [handicapped child] *child with disabilities* to examine all relevant

records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

• • • • • • •

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) shall be accorded—

(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of [handicapped children] *children with disabilities*,

• • • • • • •

(e)(1) • • •

• • • • • • •

(4)(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a [handicapped child or youth] *child or youth with disabilities* who is the prevailing party.

• • • • • • •

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of [handicapped children and youth] *children and youth with disabilities*, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

WITHHOLDING AND JUDICIAL REVIEW

SEC. 616. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or intermediate educational unit affected by any failure described in clause (2)), finds—

(1) that there has been a failure to comply substantially with any provision of section 612 or section 613, or

(2) that in the administration of the State plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local educational agency or intermediate educational unit approved by the State educational agency pursuant to the State plan, the Secretary—

(A) shall, after notifying the State educational agency, withhold any further payments to the State under this part, and

(B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within the Secre-

tary's jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of [handicapped children] *children with disabilities*. If the Secretary withholds further payments under clause (A) or clause (B) the Secretary may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the Secretary is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in clause (1) or clause (2), no further payments shall be made to the State under this part or under the Federal programs specified in section 613(a)(2) within the Secretary's jurisdiction to the extent that funds under such programs are available for the provision of assistance for the education of [handicapped children] *children with disabilities*, or payments by the State educational agency under this part shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

. . . . . .

ADMINISTRATION

SEC. 617. (a)(1) In carrying out the Secretary's duties under this part, the Secretary shall—

(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of [handicapped children] *children with disabilities* and the execution of the provisions of this part;

(B) provide such short-term training programs and institutes as are necessary;

(C) disseminate information, and otherwise promote the education of all [handicapped children] *children with disabilities* within the States; and

(D) assure that each State shall, within one year after the date of the enactment of the Education for All Handicapped Children Act of 1975 and every year thereafter, provide certification of the actual number of [handicapped children] *children with disabilities* receiving special education and related services in each State.

(2) As soon as practicable after the date of the enactment of the Education for All Handicapped Children Act of 1975, the Secretary

shall, by regulation, prescribe a uniform financial report to be utilized by State educational agencies in submitting plans under this part in order to assure equity among the States.

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(e)(1) The Secretary shall, based on the findings and recommendations of the evaluation study conducted under paragraph (2), submit the results of the study and a detailed plan for the development and implementation of a common computerized information management system within the Office of Special Education and Rehabilitative Services (OSERS) that would allow all administrative components of OSERS to categorize, index, and abstract program information for the purpose of making this information accessible to Congress, the Department of Education, and other interested parties consistent with the requirements of paragraph (2). The Secretary may enter into any contract or cooperative agreement to implement and maintain this system.

(2)(A) The Secretary shall conduct an evaluation study to determine the effectiveness of current planning and the feasibility for developing and implementing the system described above. In carrying out this study, the Secretary shall, before the end of the 9-month period beginning on the date of the enactment of these amendments, enter into a contract or cooperative agreement necessary to conduct the study with a nonprofit or profit organization having expertise in and knowledge of information management systems. The study shall report on the following:

(i) timelines for implementation,

(ii) staff training and personnel needs,

(iii) costs for dimensions of the system,

(iv) design of the system,

(v) ability to analyze program information to permit trend identification, projections, and inferences both in qualitative and quantitative terms,

(vi) method of utilization of information of the data base,

(vii) methodologies utilized by other Federal agencies,

(viii) capability to assist OSERS to improve the exchange of information on programs and projects within and outside OSERS, the communication between projects, the defining of priorities, and grant management within OSERS, and

(ix) recapture program and fiscal information from projects funded since fiscal year 1985 to current year.

(B) Any contract or cooperative agreement entered into under subparagraph (A) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and the appropriate committees of Congress before the end of the 12-month period beginning on the date of the contract or cooperative agreement.

(3)(A) Beginning within 6 months after the submission of the report required under paragraph (2), and being completed no later than 18 months after such date, the Secretary shall establish within OSERS a detailed plan for the implementation of the computerized information management system required under this subsection. The system shall include all design capabilities stipulated in paragraph (2)(A).

(B) For the 2 fiscal years that begin after the date of enactment of these amendments, the Secretary is authorized to use funds appropriated for the National Institute on Disability and Rehabilitation Research (NIDRR) to fund the above study.

(4) The Secretary is directed to utilize, to the maximum extent allowable by law, the resources of the Rehabilitative Services Administration, the Office of Special Education Programs, and the National Institute on Disability and Rehabilitation Research including, but not limited to, staff, expertise, materials, and equipment, either developed, or to be developed, for the system under this subsection and all other resources available.

EVALUATION *AND PROGRAM INFORMATION*

SEC. 618. (a) The Secretary shall, directly or by grant, contract, or cooperative agreement, collect data and conduct studies, investigations, *analyses,* and evaluations—

(1) to assess progress in the implementation of this Act;

(2) to assess the impact and effectiveness of State and local efforts, and efforts by the Secretary of the Interior, to provide—

(A) free appropriate public education to [handicapped children and youth] *children and youth with disabilities*; and

(B) early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities*; and

(3) to provide—

(A) Congress with information relevant to policymaking; and

(B) State, local, and Federal agencies, including the Department of the Interior, with information relevant to program management, administration, and *delivery* effectiveness with respect to such education and early intervention services.

(b) In carrying out subsection (a), the Secretary, on at least an annual basis, shall obtain data concerning programs and projects assisted under this Act and under other Federal laws relating to [handicapped] *disabled* infants, toddlers, children and youth, and such additional information, from State and local educational agencies,. *lead agencies designated or established under part H,* the Secretary of Interior, and other appropriate sources, as is necessary for the implementation of this Act *(except that, during fiscal year 1991, such entities may not under this subsection be required to provide data regarding traumatic brain injury or autism),* including—

(1) the number of [handicapped] *disabled* infants, toddlers, children, and youth in each State receiving a free appropriate public education or early intervention services—

(A) in age groups 0–2 and 3–5, and

(B) in age groups 6–11, 12–17, and 18–21,

by disability category,

(2) the number of [handicapped children and youth] *children and youth with disabilities* in each State who are participating in regular educational programs (consistent with the requirements of section 612(5)(B) and 614(a)(1)(C)(iv)) by disability

category, and the number of [handicapped children and youth] *children and youth with disabilities* in separate classes, separate schools or facilities, or public or private residential facilities, or who have been otherwise removed from the regular education environment,

(3)(A) the number of [handicapped children and youth] *children and youth with disabilities* exiting the educational system each year through program completion or [otherwise—

[(A) in age group 3–5, and

[(B) in age groups 6–11, 12–17, and 18–21,

by disability category and anticipated services for the next year,] *otherwise for each age 14 and above by disability category, and a sampling of data on the age group 3–13 from State agencies, including State and local educational agencies, and*

(B) the number of children with disabilities exiting preschool programs under part B who enter regular education programs at the first grade level,

* * * * * * *

[(5) the number and type of personnel that are employed in the provision of special education and related services to handicapped children and youth and early intervention services to handicapped infants and toddlers by disability category served, and the estimated number and type of additional personnel by disability category needed to adequately carry out the policy established by this Act, and]

(5)(A) information on the implementation, in each State, of the comprehensive systems of personnel development required by sections 613(a)(3) and 676(b)(8); and

(B) by fiscal year 1992, the Secretary may require that data authorized by this paragraph be reported in the section of the State's Plan pertaining to its comprehensive system of personnel development, authorized under section 613(a)(3), and

(6) a description of the special education and related services and early intervention services needed to fully implement this Act throughout each State, including estimates of the number of [handicapped infants and toddlers] *infants and toddlers with disabilities* in the 0–2 age group and estimates of the number of [handicapped children and youth] *children and youth with disabilities*—

(A) in age group 3–5 and

(B) in age groups 6–11, 12–17, and 18–21,

and by disability category.

[(c) The Secretary shall, by grant, contract, or cooperative agreement, provide for evaluation studies to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall, not later than July 1 of each year, submit to the appropriate committees of each House of the Congress and publish in the Federal Register proposed evaluation priorities for review and comment.]

(c) IMPLEMENTATION INQUIRIES.—(1) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, other public agencies, and private organizations for the pur-

pose of conducting studies (including case studies), secondary data analyses, syntheses, and investigations (including program implementation inquiries), to improve the administration, management, delivery, and effectiveness of special education and related services, and early intervention services.

(2) In providing such support, the Secretary shall give first consideration to efforts that seek to improve—

(A) criteria and procedures used to identify, locate, and evaluate infants, toddlers, children, and youth with disabilities for the purposes of eligibility, program planning, and placement (including working with parents), especially for those from minority backgrounds;

(B) the relationships between the placement procedures used and the outcomes of placement decisions, by disability category and severity of disability, as in the case of infants, toddlers, children, and youth with the most severe disabilities;

(C) planning and delivery of services to infants, toddlers, children, and youth with disabilities at points of transition, especially for youth with disabilities; and

(D) planning and developing effective early intervention services, special education, and related services to meet the complex and changing needs of infants, toddlers, children, and youth with disabilities.

(3) In providing funds under this subsection, the Secretary shall require recipients to prepare their procedures, findings, and other relevant information in a form that will maximize their dissemination and use, especially through dissemination networks and mechanisms authorized by this Act, and in a form for inclusion in the annual report to Congress authorized under subsection (f).

(4) The Secretary, in order to increase the benefits to infants, toddlers, children, and youth with disabilities, may support efforts to improve comprehensive systems of personnel development, to improve ways in which resources are allocated and used, to improve interagency coordination and collaboration, to improve continuity in services, and to improve parent-school communication and collaboration.

(5) In order to facilitate understanding of and support for program improvement information, as addressed in this subsection, the Secretary shall, every 3 years beginning in fiscal year 1991, publish funding priorities in the Federal Register for review and comment. Such review and comment shall be taken into account when setting priorities for any 3-year period.

(d)(1) The Secretary may enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of programs, *policies, and procedures* assisted under this Act.

(2) An agreement under paragraph (1) shall—

(A) provide for the payment of not to exceed 60 percent of the total cost of studies conducted by a participating State agency to assess the impact and effectiveness of programs assisted under this Act, and

(B) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of

[handicapped children and youth] *children and youth with disabilities* and the provision of early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities*.

* * * * * * *

(4) In addition, the Secretary shall disseminate information from such studies to State agencies, regional resource centers, and clearinghouses established by this Act, and, as appropriate, to others involved in, or concerned with, the education of [handicapped children and youth] *children and youth with disabilities* and the provision of early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities*.

[(e)(1) At least one study shall be a longitudinal study of a sample of handicapped students, encompassing the full range of handicapping conditions, examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

[(2) At least one study shall focus on obtaining and compiling current information available, through State educational agencies and local educational agencies and other service providers, regarding State and local expenditures for educational services for handicapped students (including special education and related services) and shall gather information needed in order to calculate a range of per pupil expenditures by handicapping condition.]

(e) SPECIAL STUDIES.—(1) The Secretary shall by grant, contract, or cooperative agreement, provide for special studies to assess progress in the implementation of this Act, and to assess the impact and effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide free appropriate public education to children and youth with disabilities, and early intervention services to infants and toddlers with disabilities. Reports from such studies shall include recommendations for improving programs and services to such individuals. The Secretary shall, not later than July 1 of each year, beginning in fiscal year 1991, submit to the appropriate committees of each House of the Congress and publish in the Federal Register proposed priorities for review and comment.

(2) In selecting priorities for fiscal years 1991 through 1994, the Secretary may give first consideration to:

(A) The longitudinal study of students with disabilities shall be completed.

(B) A study that examines the factors that have contributed to the decline in the number of children classified as mentally retarded since the implementation of this Act, and examines the current disparity among States in the percentage of children so classified.

(C) A study that examines the degree to which and the reasons why children and youth with disabilities, especially those with mental retardation, are educated in separate educational facilities.

(D) A study that examines the status, progress, and variation in the implementation of policies, procedures, and programs affecting early intervention, special education, and related serv-

ices for young children with disabilities—birth through age five.

(E) A study of the types, number, and intensity of related services provided to children and youth with disabilities by disability category.

(F) A study that examines the extent to which out-of-community residential programs are used for children and youth who are seriously emotionally disturbed, the factors that influence the selection of such placements, the degree to which such individuals transition back to education programs in their communities, and the factors that facilitate or impede such transition.

(G) A study that examines (i) the factors that influence the referral and placement decisions and types of placements, by disability category and English language proficiency, of minority children relative to other children, (ii) the extent to which these children are placed in regular education environments, (iii) the extent to which the parents of these children are involved in placement decisions and the implementation of the individualized education program and the results of such participation, and (iv) the type of support provided to parents of these children that enable these parents to understand and participate in the educational process.

[(f)(1) Not later than 120 days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth and early intervention services for handicapped infants and toddlers. The annual report shall be transmitted to the appropriate committees of each House of Congress and published and disseminated in sufficient quantities to the education community at large and to other interested parties.]

(f) ANNUAL REPORT.—(1) The Secretary, directly or through grants, contracts, or cooperative agreements, shall prepare an annual report on the progress being made toward the provision of a free appropriate public education to children and youth with disabilities and early intervention services to infants and toddlers with disabilities. Not later than 120 days after the end of each fiscal year, the Secretary shall transmit this report to the appropriate committees of each House of Congress. Copies of such report shall be produced in sufficient quantities in order to permit dissemination to the education and disability communities and other interested parties.

(2) The Secretary shall include in each annual report under paragraph (1)—

(A) a compilation and analysis of data gathered under subsection (b) *and under part H*,

[(B) an index and summary of each evaluation activity and results of studies conducted under subsection (c),]

(B) an index and summary of each activity, including results of evaluations and studies, related to program information authorized under subsections (c) and (e),

(C) a description of findings and determinations resulting from monitoring reviews of State implementation of part B of this Act,

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(D) an analysis and evaluation of the participation of [handicapped children and youth] *children and youth with disabilities* in vocational education programs and services,

(E) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to ensure that [handicapped children and youth] *children and youth with disabilities* receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for [handicapped children and youth] *children and youth with disabilities* in day or residential facilities, and

(F) any recommendation for change in the provisions of this Act or any other Federal law providing support for the education of [handicapped children and youth] *children and youth with disabilities*.

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(4) In the annual report under paragraph (1) for fiscal year 1988 which is published in 1989, the Secretary shall include special sections addressing the provision of a free appropriate public education to—

(A) [handicapped] *disabled* infants, toddlers, children, and youth in rural areas,

(B) [handicapped] *disabled* migrants,

(C) [handicapped] *disabled* Indians (particularly programs operated under section 611(f)),

(D) [handicapped] *disabled* Native Hawaiian, (and other native Pacific basin) children and youth, and

(E) [handicapped] *disabled* infants, toddlers, children, and youth with limited English proficiency.

(5) Beginning in 1986, in consultation with the National Council on Disability and the Bureau of Indian Affairs Advisory Committee for Exceptional Children, the Secretary shall include a description of the status of early intervention services for [handicapped infants and toddlers] *infants and toddlers with disabilities* from birth through age two, inclusive, and special education and related services to [handicapped children] *children with disabilities* from 3 through 5 years of age (including those receiving services through Head Start, Developmental Disabilities Programs, Crippled Children's Services, Mental Health/Mental Retardation Agency, and State child-development centers and private agencies under contract with local schools).

[(g) There are authorized to be appropriated $3,800,000 for fiscal year 1987, $4,000,000 for fiscal year 1988, and $4,200,000 for fiscal year 1989 to carry out this section.]

(g) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State and local education agencies, institutions of higher education, other public agencies, and nonprofit organizations to support activities that organize, synthesize, interpret, and integrate information obtained under this section with information developed through other sources. Such activities shall include the selection and design of content, formats, and means for communicating such information effectively to specific or general

audiences, in order to promote the use of such information in improving program administration and management, and service delivery and effectiveness.

(h) For each of the fiscal years 1991 through 1994, of the amounts appropriated for grants under section 611(a), 1 percent shall be reserved to carry out the purposes of this section and, of the 1 percent reserved each year, not more than 25 percent may be used to carry out the purposes of subsection (e) of this section.

PRE-SCHOOL GRANTS

SEC. 619. (a)(1) For fiscal years 1987 through 1989 (or fiscal year 1990 if the Secretary makes a grant under this paragraph for such fiscal year) the Secretary shall make a grant to any State which—

(A) has met the eligibility requirements of section 612,

(B) has a State plan approved under section 613, and

(C) provides special education and related services to [handicapped children] *children with disabilities* aged three to five, inclusive.

(2)(A) For fiscal year 1987 the amount of a grant to a State under paragraph (1) may not exceed—

(i) $300 per [handicapped child] *child with disabilities* aged three to five, inclusive, who received special education and related services in such State as determined under section 611(a)(3), or

(ii) if the amount appropriated under subsection (e) exceeds the product of $300 and the total number of [handicapped children] *children with disabilities* aged three to five, inclusive, who received special education and related services as determined under section 611(a)(3)—

(I) $300 per [handicapped child] *child with disabilities* aged three to five, inclusive, who received special education and related services in such State as determined under section 611(a)(3), plus

(II) an amount equal to the portion of the appropriation available after allocating funds to all States under subclause (I) (the excess appropriation) divided by the estimated increase, from the preceding fiscal year, in the number of [handicapped children] *children with disabilities* aged three to five, inclusive, who will be receiving special education and related services in all States multiplied by the estimated increase in the number of such children in such State.

(B) For fiscal year 1988, funds shall be distributed in accordance with clause (i) or (ii) of paragraph (2)(A), except that the amount specified therein shall be $400 instead of $300.

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(D) If the Secretary makes a grant under paragraph (1) for fiscal year 1990, the amount of a grant to a State under such paragraph may not exceed $1,000 per [handicapped child] *child with disabilities* aged three to five, inclusive, who received special education

and related services in such State as determined under section 611(a)(3).

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(F)(i) The amount of a grant under subparagraph (A), (B), or (C) to any State for a fiscal year may not exceed $3,800 per estimated [handicapped child] *child with disabilities* aged three to five, inclusive, who will be receiving or [handicapped child] *child with disabilities*, age three to five, inclusive, who is receiving special education and related services in such State.

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(b)(1) For fiscal year 1990 (or fiscal year 1991 if required by paragraph (2)) and fiscal years thereafter the Secretary shall make a grant to any State which—

(A) has met the eligibility requirements of section 612, and

(B) has a State plan approved under section 613 which includes policies and procedures that assure the availability under the State law and practice of such State of a free appropriate public education for all [handicapped children] *children with disabilities* aged three to five, inclusive.

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(3) The amount of any grant to any State under paragraph (1) for any fiscal year may not exceed $1,000 for each [handicapped child] *child with disabilities* in such State aged three to five, inclusive.

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(c)(1) For fiscal year 1987, a State which receives a grant under subsection (a)(1) shall—

(A) distribute at least 70 percent of such grant to local educational agencies and intermediate educational units in such State in accordance with paragraph (3), except that in applying such section only [handicapped children] *children with disabilities* aged three to five, inclusive, shall be considered,

(B) use not more than 25 percent of such grant for the planning and development of a comprehensive delivery system for which a grant could have been made under section 623(b) in effect through fiscal year 1987 and for direct and support services for [handicapped children] *children with disabilities*, and

(C) use not more than 5 percent of such grant for administrative expenses related to the grant.

(2) For fiscal years beginning after fiscal year 1987, a State which receives a grant under subsection (a)(1) or (b)(1) shall—

(A) distribute at least 75 percent of such grant to local educational agencies and intermediate educational units in such State in accordance with paragraph (3), except that in applying such section only [handicapped children] *children with disabilities* aged three to five, inclusive, shall be considered,

(B) use not more than 20 percent of such grant for the planning and development of a comprehensive delivery system for which a grant could have been made under section 623(b) in effect through fiscal year 1987 and for direct and support services for [handicapped children] *children with disabilities*, and

(C) use not more than 5 percent of such grant for administrative expenses related to the grant.

(3) From the amount of funds available to local educational agencies and intermediate educational units in any State under this section, each local educational agency or intermediate educational unit shall be entitled to—

(A) an amount which bears the same ratio to the amount available under subsection (a)(2)(A)(i) or subsection (a)(2)(A)(ii)(I), as the case may be, as the number of [handicapped children] *children with disabilities* aged three to five, inclusive, who received special education and related services as determined under section 611(a)(3) in such local educational agency or intermediate educational unit bears to the aggregate number of [handicapped children] *children with disabilities* aged three to five, inclusive, who received special education and related services in all local educational agencies and intermediate educational units in the State entitled to funds under this section, and

(B) to the extent funds are available under subsection (a)(2)(A)(ii)(II), an amount which bears the same ratio to the amount of such funds as the estimated number of additional [handicapped children] *children with disabilities* aged three to five, inclusive, who will be receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of such children in all local educational agencies and intermediate educational units in the State entitled to funds under this section.

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PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

REGIONAL RESOURCE AND FEDERAL CENTERS

SEC. 621. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, public agencies, private nonprofit organizations, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies) within particular regions of the United States, to pay all or part of the cost of the establishment and operation of [regional resource centers.] *regional resource centers that focus on special education and related services and early intervention services.* Each regional resource center shall provide consultation, technical assistance, and [training to State] *training, as requested, to State* educational agencies and through such State educational agencies to local educational agencies and to other appropriate public agencies providing *special education and related services and* early intervention services. The services provided by a regional resource center shall be consistent with the priority needs identified by the States served by the [center and the findings of the Secretary in monitoring reports prepared by the Secretary under section

617 of the Act.] *center.* Each regional resource center established or operated under this section shall—

(1) assist in identifying and solving persistent problems in providing quality special education and related services for [handicapped children and youth] *children and youth with disabilities* and early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families,

(2) assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to [handicapped children and youth] *children and youth with disabilities* and their families and early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families,

(3) gather an disseminate information to all State educational agencies within the region and coordinate activities with other centers assisted under this subsection and other [relevant projects conducted by] *relevant programs and projects conducted under parts C through G and by* the Department of Education,

(4) assist in the improvement of information dissemination to and training activities for professionals and parents of [handicapped] *disabled* infants, toddlers, children, and youth, and

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(b) In determining whether to approve an application for a project under subsection (a), the Secretary [shall consider] *shall utilize criteria for setting criteria that are consistent with the needs identified by States within the region served by such center, consistent with requirements established by the Secretary under subsection (f), and, to the extent appropriate, consistent with requirements under section 610, and shall consider* the need for such a center in the region to be served by the applicant and the capability of the applicant to fulfill the responsibilities under subsection (a).

* * * * * * *

(d) The Secretary may establish one coordinating technical assistance center focusing on national priorities established by [the Secretary to assist the regional resource centers in the delivery of technical assistance, consistent with such national priorities.] *the Secretary. The Secretary may assist the regional resource centers in the delivery of technical assistance consistent with the priority needs identified by the States.*

* * * * * * *

(f)(1) The Secretary shall develop guidelines and criteria for the operation of Regional and Federal Resource Centers. In developing such criteria and guidelines, the Secretary shall establish a panel representing the Office of Special Education Programs staff, State special education directors, representatives of disability advocates, and, when appropriate, consult with the regional resource center directors.

(2) Such guidelines and criteria shall include—

(A) a description of how the Federal and Regional Resource Centers Program will be administered by the Secretary;

(B) a description of the geographic region each Center is expected to serve;

(C) a description of the role of a Center in terms of expected leadership and dissemination efforts;

(D) a description of expected relationships with State agencies, research and demonstration centers, and with other entities deemed necessary;

(E) a description of how a Center will be evaluated; and

(F) other guidelines and criteria deemed necessary.

(3) The Secretary shall publish in the Federal Register by July 1, 1991, for review and comment, proposed and (then following such review and comment) final guidelines developed by the panel.

SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

SEC. 622. (a)(1) The Secretary is authorized to make grants to, or to enter into cooperative agreements or contracts with, public or nonprofit private agencies, institutions, or organizations to assist State *and local* educational agencies to—

(A) assure deaf-blind children and youth provision of special education and related services as well as vocational and transitional services; and

[(B) make available to deaf-blind youth, upon attaining the age of twenty-two, programs and services to facilitate their transition from educational to other services.]

(B) make available to deaf-blind youth (who are in the process of transitioning into adult services) programs, services, and supports to facilitate such transition, including assistance related to independent living and competitive employment.

(2) For purposes of this section, the term "deaf-blind", with respect to children and youth, means having auditory and visual impairments, the combination of which creates such severe communication and other developmental and learning needs that they cannot be appropriately educated in special education programs solely for children and youth with hearing impairments, visual impairments, or severe disabilities, without supplementary assistance to address their educational needs due to these dual, concurrent disabilities.

[(2)] *(3)* A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, and related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; [and] (D) facilitation of parental involvement in the education of their deaf-blind children and youth[.]*; or (E) pilot projects designed to expand local school district capabilities by providing services to deaf-blind children that are supplementary to services already provided to children through State and local resources; such projects must be designed to ensure eventual assumption of funding responsibility by State and local authorities.* Such programs may include—

(i) the diagnosis and educational evaluation of children and youth [at risk of being certified] *likely to be diagnosed as* deaf-blind;

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[(3)] *(4)* A grant, cooperative agreement, or contract pursuant to paragraph (1)(B) may be made only for programs providing (A) technical assistance to agencies, institutions, and [organizations serving, or proposing to serve,] *organizations that are preparing deaf-blind adolescents for adult placements, or that are preparing to receive deaf-blind young adults into adult living and work environments, and that serve, or propose to serve,* deaf-blind individuals who have attained age twenty-two years; (B) training or inservice training to paraprofessionals or professionals serving, or preparing to serve, such individuals; and (C) assistance in the development or replication of successful innovative approaches to providing rehabilitative, *supervised,* semisupervised, or independent living programs.

[(4) In carrying out this subsection, the Secretary shall take into consideration the need for a center for deaf-blind children and youth in light of the general availability and quality of existing services for such children and youth in the part of the country involved.]

(5) In carrying out this subsection, the Secretary is authorized to enter into a number of grants or cooperative agreements to establish and support single and multi-State centers for the provision of technical assistance and pilot supplementary services, for the purposes of program development and expansion, for children and youth with deaf-blindness and their families.

* * * * * * *

(c)(1) Programs supported under this section shall report annually to the Secretary on (A) the numbers of deaf-blind children and youth served by age, severity, *sex,* and nature of deaf-blindness; (B) the number of paraprofessionals, professionals, and family members directly served by each activity; [and] (C) the types of services provided *and the setting in which the services are provided*[.]*; and (D) student outcomes, where appropriate.*

* * * * * * *

[(d) The Secretary shall disseminate materials and information concerning effective practices in working with deaf-blind children and youth.]

(d) The Secretary shall make a grant, or enter into a contract or cooperative agreement, for a national clearinghouse for children and youth with deaf-blindness—

(1) to identify, coordinate, and disseminate information on deaf-blindness;

(2) to interact with educators, professional groups, and parents to identify areas for programming, materials development, training, and expansion of specific services;

(3) to maintain a computerized data base on local, regional, and national resources; and

(4) to respond to information requests from professionals, parents, and members of the community.

(e) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for [severely handicapped children and youth, including deaf-blind children and youth.] *children and youth with deaf-blindness.*

(f) The Secretary may make grants to, or enter into contracts or cooperative agreements [with, the entities under section 624(a) for the purposes in such section.] *with organizations or public or nonprofit private agencies, as determined by the Secretary to be appropriate, to address the needs of children and youth with deaf-blindness, for—*

(1) research to identify and meet the full range of special needs of such children and youth; and

(2) the development and demonstration of new, or improvements in existing methods, approaches, or techniques that would contribute to the adjustment and education of children and youth with deaf-blindness.

EARLY EDUCATION FOR [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SEC. 623. (a)(1) The Secretary may arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for [handicapped children] *children with disabilities* which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special [problems of such children.] *needs of these children.* Such programs shall include activities and services designed to—

(A) facilitate the intellectual, emotional, physical, mental, social, [speech,] *communication,* language development, and self-help skills of such children,

(B) *provide family education and include a parent or their representative of such child, as well as* encourage the participation of the parents of such children in the development and operation of any such program,

(C) acquaint the community to be served by any such program with the [problems] *special needs* and potentialities of such children,

(D) offer training about exemplary models and practices, *including interdisciplinary models and practices,* to State and local personnel who provide services to [handicapped children] *children with disabilities* from birth through age 8 *and to the parents of such children,* and

(E) support the adoption of exemplary models and practices in States and local communities, *including the involvement of adult role models with disabilities at all levels of the program.*

* * * * * * *

(b) The Secretary shall arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations for the establishment of a technical assistance development system to assist entities operating experimental, demon-

stration, and outreach programs and to assist State agencies to expand and improve services provided to [handicapped children] *children with disabilities. This technical assistance development system shall provide assistance to parents of and advocates for infants, toddlers, and children with disabilities, as well as direct service and administrative personnel involved with such children. Information from the system should be aggressively disseminated through established information networks and other mechanisms to ensure both an impact and benefits at the community level. The Secretary shall ensure that the technical assistance provided under this subsection includes assistance to part H State agencies on procedures for use by primary referral sources in referring a child to the appropriate agency within the system for evaluation, assessment, or service.*

(c) The Secretary shall arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations for the establishment of early childhood research institutes to carry on sustained research to generate and disseminate new information on preschool and early intervention for [handicapped children] *children with disabilities* and their families. *Such institutes shall disseminate this information by utilizing existing networks, such as the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, and other appropriate networks.*

(d) The Secretary may make grants to, or enter into contracts or cooperative agreements under this section with, such organizations or institutions, as are determined by the Secretary to be appropriate, for research to identify and meet the full range of special needs of [handicapped children] *children with disabilities* and for training of personnel for programs specifically designed for [handicapped children] *children with disabilities, including programs to integrate children with disabilities into regular preschool programs.*

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(f) For purposes of this section the term "[handicapped children] *children with disabilities*" includes children from birth through eight years of age *including infants and toddlers with disabilities.*

PROGRAMS FOR SEVERELY [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SEC. 624. (a) [The Secretary may make grants to, or enter into contracts or cooperative agreements with, such organizations or institutions, as are determined by the Secretary to be appropriate, to address the needs of severely handicapped children and youth, for—] *The Secretary may make grants to, or enter into contracts or cooperative agreements with, appropriate public agencies and nonprofit organizations to address the special education, related services, and integration needs of infants, toddlers, children, and youth with severe disabilitites through—*

(1) research to identify and meet the full range of special needs of such [handicapped children and youth] *children and youth with disabilities, including transportation to and from school,*

(2) the development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the adjustment and education of such [handicapped children and youth] *children and youth with disabilities,*

(3) training of personnel for programs specifically designed for such children and [youth, and] *youth, including training of regular teachers, instructors, and administrators in strategies (the goal of which is to serve infants, toddlers, children, and youth with disabilities) that include integrated settings for educating such children along side their nondisabled peers,*

(4) dissemination of materials and information about practices found effective in working with such [children and youth.] *children and youth by utilizing existing networks, such as the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parent Programs (TAPP) assisted under parts C and D, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, and other appropriate networks, and*

(5) statewide projects, in conjunction with the State's plan under part B, to improve the quality of special education and related services for children and youth with severe disabilities, and to change the delivery of those services from segregated to integrated environments.

(b) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreeements with, public or private nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for infants, toddlers, children, and youth with severe disabilities. The Secretary may fund grants that include participation of nondisabled infants, toddlers, children and youth, but in such cases matching funds from a non-Federal source from the grantee would be required.

[(b)] *(c)* In making grants and entering into contracts and cooperative agreements under subsection (a), the Secretary shall ensure that the activities funded under such grants, contracts, or cooperative agreements will be coordinated with similar activities funded from grants and contracts under other sections of this Act.

[(c)] *(d)* To the extent feasible, programs authorized by subsection (a) shall be geographically dispersed throughout the Nation in urban and rural areas.

(e) In awarding such grants and contracts under this section, the Secretary shall include a priority on programs that increase the likelihood that these children and youth will be educated with their nondisabled peers.

POSTSECONDARY EDUCATION

SEC. 625. (a)(1) The Secretary may make grants to, or enter into contracts with, State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for [handicapped individuals] *individuals with disabilities. Such model programs may include joint projects that coordinate with special education and transition services.*

(2) In making grants or contracts on a competitive basis under paragraph (1), the Secretary shall give priority consideration to 4 regional centers for the deaf and to model programs for individuals with [handicapping] *disabling* conditions other than deafness—

(A) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of [handicapped individuals] *individuals with disabilities*; [and]

(B) for programs that coordinate, facilitate, and encourage education of [handicapped individuals] *individuals with disabilities* with their nonhandicapped peers[.]; *and*

(C) for outreach activities that include the provision of technical assistance to strengthen efforts in the development, operation, and design of model programs that are adapted to the special needs of individuals with disabilities.

(3) Persons operating programs for [handicapped] *disabled* persons under a grant or contract under paragraph (1) must coordinate their efforts with and disseminate information about their activities to the clearinghouse on postsecondary programs established under section 633(b).

* * * * * * *

(6) Of the sums made available for programs under paragraph (1), not less than [$2,000,000] *$4,000,000* shall first be available for the 4 regional centers for the deaf.

[(b) For the purposes of subsection (a) the term "handicapped individuals" means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.]

(b) For purposes of subsection (a), the term "children with disabilities" means children—

(1) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments including attention deficit disorder, or specific learning disabilities; and

(2) who, by reason thereof, need special education and related services.

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR [HANDICAPPED YOUTH] *YOUTH WITH DISABILITIES*

SEC. 626. (a) The Secretary may make grants to, or enter into contracts with, institutions of higher education, State educational agencies, local educational agencies, or other appropriate public and private nonprofit institutions or agencies (including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act) to—

(1) strengthen and coordinate special education and related services for [handicapped youth] *youth with disabilities* currently in school or who recently left school to assist them in the transition to postsecondary education, vocational training, competitive employment (including supported employment), continuing education, *independent and community living*, or adult services,

(2) stimulate the improvement and development of programs for secondary special education, and

(3) stimulate the improvement of the vocational and life skills of [handicapped students] *students with disabilities* to enable them to be better prepared for transition to adult life and services.

To the extent feasible, such programs shall be geographically dispersed throughout the Nation in urban and rural areas.

(b) Projects assisted under subsection (a) may include—

(1) developing strategies and techniques for transition to independent living, vocational training, vocational rehabilitation, postsecondary education, and competitive employment (including supported employment) for [handicapped youth] *youth with disabilities*,

(2) establishing demonstration models for services, programs, and individualized education programs, which emphasize vocational training, transitional services, and placement for [handicapped youth] *youth with disabilities*,

(3) conducting demographic studies which provide information on the numbers, age levels, types of [handicapping] *disabling* conditions, and services required for [handicapped youth] *youth with disabilities* in need of transitional programs,

(4) specially designed vocational programs to increase the potential for competitive employment for [handicapped youth] *youth with disabilities*,

(5) research and development projects for exemplary service delivery models and the replication and dissemination of successful models,

(6) initiating cooperative models among educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, and public employment, and employers, which facilitate the planning and developing of transitional services for [handicapped youth] *youth with disabilities* to postsecondary education, vocational training, employment, continuing education, and adult services,

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(7) developing appropriate procedures for evaluating vocational training, placement, and transitional services for [handicapped youth] *youth with disabilities*,

(8) conducting studies which provide information on the numbers, age levels, types of [handicapping] *disabling* conditions and reasons why [handicapped youth drop out of school,] *some youth with disabilities remain to complete school programs while others drop out*,

(9) [developing special education curriculum and instructional techniques] *developing curriculum and instructional techniques in special education and related services* that will improve [handicapped students'] *students' with disabilities* acquisition of the skills necessary for transition to adult life and services, and

(10) specially designed *or adapted* physical education and therapeutic recreation programs [to increase the potential of handicapped youths for community participation.] *to facilitate the full participation of youths with disabilities in community programs.*

* * * * * * *

(d) Applications for assistance under subsection (a) other than for the purpose of conducting studies or evaluations shall—

(1) * * *

(2) describe the procedures that will be used for coordinating services among agencies for which [handicapped youth] *youth with disabilities* are or will be eligible, and

(3) [to the extent appropriate] provide for the direct participation of [handicapped students] *students with disabilities* and the parents of [handicapped students] *students with disabilities* in the planning, development, and implementation of such projects.

(e)(1) The Secretary shall make one-time, 5-year grants, on a competitive basis, to States in which the State vocational rehabilitation agency and State education agency submit a joint application to develop, implement, and improve systems to provide transition services for youth with disabilities from age 14 through the age they exit school.

(2) In the case of a State whose vocational rehabilitation agency does not participate regarding a joint application described in paragraph (1), the Secretary may make a grant under such paragraph to the State if a joint application for the grant is submitted by the State education agency and one other State agency that provides transition services to individuals who are leaving programs under this Act.

(3) States that receive grants shall use grant funds to:

(A) Increase the availability, access, and quality of transition assistance through the development and improvement of policies, procedures, systems, and other mechanisms for youth with disabilities and their families as such youth prepare for and enter adult life.

(B) Improve the ability of professionals, parents, and advocates to work with such youth in ways that promote the under-

standing of and the capability to successfully make the transition from "student" to "adult".

(C) Improve working relationships among education personnel, both within LEAs and in postsecondary training programs, relevant State agencies, the private sector, especially employers, rehabilitation personnel, local and State employment agencies, local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA), and families of students with disabilities and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of youth with disabilities.

(D) Create an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition funded through this section and with other sources.

(4)(A) In order to receive funding under this subsection, a State vocational rehabilitation agency and State education agency shall describe in their application how they will use the first year, if necessary, to plan how to implement transition services, the second through fourth years to develop and implement transition services, and the fifth year to evaluate transition services. The application shall describe how the grant funds will be used during the planning period and phased-out during the evaluation period to ensure the continuation of transition services. Such applications shall also include—

(i) a description of the current availability, access, and quality of transition services for eligible youth and a description of how, over 5 years, the State will improve and expand the availability, access, and quality of transition services for youth with disabilities and their families as such youth prepare for and enter adult life;

(ii) a description of how the State will improve and increase the ability of professionals, parents, and advocates to work with such youth in ways that promote the understanding of and the capability to successfully make the transition from "student" to "adult";

(iii) a description of how the State will improve and increase working relationships among education personnel, both within LEAs and in postsecondary training programs, relevant State agencies, the private sector, especially employers, rehabilitation personnel, local and State employment agencies, local Private Industry Councils (PICS) authorized by the JTPA, and families of students with disabilities and their advocates to identify and achieve consensus on the general nature and specific application of transition services to meet the needs of youth with disabilities; and

(iv) a description of how the State will use grant funds as an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition funded through this section and with other sources.

(B) The Secretary shall give preference to those applications that, in addition to clearly addressing the requirements under subparagraph (A), describe how the State will—

(i) target resources to school settings, such as providing access to rehabilitation counselors for students with disabilities who are in school settings;

(ii) target a substantial amount of grant funds, received under this subsection, to case management, program evaluation and documentation of, and dissemination of information about, transition services;

(iii) provide incentives for interagency and private sector resource pooling and otherwise investing in transition services, especially in the form of cooperative agreements, particularly with PICS authorized by the JTPA and local branches of State employment agencies;

(iv) provide for early, ongoing information and training for those involved with or who could be involved with transition services—professionals, parents, youth with disabilities, including self-advocacy training for such youth, and advocates for such youth as well as PICS authorized by the JTPA and local branches of State employment agencies;

(v) provide for the early and direct involvement of all relevant parties, including PICS authorized by the JTPA and local branches of State employment agencies, in operating and planning improvements in transition services, and the early and direct involvement of all relevant parties in planning and implementing transition services for individual youth;

(vi) provide access to training for eligible youth that matches labor market needs in their communities;

(vii) integrate transition services with relevant opportunities in communities, including those sponsored by PICS authorized by the JTPA and local employment agencies;

(viii) use a transition services evaluation plan that is outcome oriented and that focuses on individual youth-focused benefits; and

(ix) ensure, that when appropriate and no later than age 22, eligible youth who participate in transition services under this program would be served as appropriate in the State section 110 and/or title VI, part C program authorized under the Rehabilitation Act of 1973.

[(e)**]** *(f)(1)* The Secretary is authorized to make grants to, or to enter into contracts or cooperative agreements with, such organizations or institutions as are determined by the Secretary to be appropriate for the development or demonstration of new or improvements in existing methods, approaches, or techniques which will contribute to the adjustment and education of **[**handicapped children and youth**]** *children and youth with disabilities* and the dissemination of materials and information concerning practices found effective in working with such children and youth. *Such organizations and institutions shall disseminate such materials and information by utilizing existing networks, such as the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parent Programs (TAPP) assisted under parts C and D, as well as the National Diffusion Network, the ERIC Clearinghouses on the Handicapped and Gifted and Languages and Linguistics, and the Child and Adolescent Service Systems Program*

(CASSP) under the National Institute of Mental Health, and other appropriate networks.

(2) The Secretary shall fund one or more demonstration models designed to establish appropriate methods of providing, or continuing to provide, assistive technology devices and services to secondary school students as they make the transition to vocational rehabilitation, employment, postsecondary education, or adult services. Such demonstration models shall include, as appropriate—

(A) cooperative agreements with the Rehabilitation Services Administration and/or State vocational rehabilitation agencies that ensure continuity of funding for assistive technology devices and services to such students; and

(B) methods for dissemination of exemplary practices that can be adapted or adopted by transitional programs for secondary school students with disabilities.

(3)(A) The Secretary shall award one, five-year cooperative agreement through a separate competition to an institution of higher education, or nonprofit public or private organization. The purpose of this agreement will be to evaluate and document the approaches and outcomes of the project funded under subsection (e). The results of this agreement shall be disseminated through the appropriate clearinghouses, networks, and through direct communication with Federal, State, and local agencies.

(B) The evaluation carried out pursuant to subparagraph (A) of transition services under subsection (e) shall include an evaluation of—

(i) the outcomes of the transition services provided under such subsection, including the effect of the services regarding postsecondary education, job training, employment, and other appropriate matters;

(ii) the impact of including in the individualized education program a statement of needed transition services (as required under section 602(a)(20)(D));

(iii) the extent to which, in the provision of the transition services, agencies are cooperating effectively, including evaluation of the extent of coordination of the staff of the agencies, of procedures regarding confidentiality, assessment of needs, and referrals, and coordination regarding data bases and training;

(iv) the extent to which obstacles exist regarding cooperation and coordination among agencies in the provision of the transition services, and the extent to which Federal law creates disincentives to such cooperation and coordination; and

(v) the extent to which the transition services have been provided in a cost-effective manner.

(C) The evaluation carried out pursuant to subparagraph (A) shall include recommendations on the manner in which the program under subsection (e) can be improved.

(D) In the annual report required under section 618(f), the Secretary shall include an annual report of the activities and results associated with the agreement under subparagraph (A).

[(f)] *(g)* The Secretary, as appropriate, shall coordinate programs described under subsection (a) with projects developed under section 311 of the Rehabilitation Act of 1973, *the Job Training*

Partnership Act (JTPA), and the Carl D. Perkins Vocational Education Act.

[PROGRAM EVALUATIONS

[SEC. 627. The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. Results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress together with the annual report under section 618.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 628. (a) There are authorized to be appropriated to carry out section 621, $6,700,000 for the fiscal year 1987, $7,100,000 for fiscal year 1988, and $7,500,000 for fiscal year 1989.

[(b) There are authorized to be appropriated to carry out section 622, $15,900,000 for fiscal year 1987, $16,800,000 for fiscal year 1988, and $17,800,000 for fiscal year 1989.

[(c) There are authorized to be appropriated to carry out section 623, $24,470,000 for fiscal year 1987, $25,870,000 for fiscal year 1988, and $27,410,000 for fiscal year 1989.

[(d) There are authorized to be appropriated to carry out section 624, $5,300,000 for fiscal year 1987, $5,600,000 for fiscal year 1988, and $5,900,000 for fiscal year 1989.

[(e) There are authorized to be appropriated to carry out section 625, $5,900,000 for fiscal year 1987, $6,200,000 for fiscal year 1988, and $6,600,000 for fiscal year 1989.

[(f) There are authorized to be appropriated to carry out section 626, $7,300,000 for fiscal year 1987, $7,700,000 for fiscal year 1988, and $8,100,000 for fiscal year 1989.]

PROGRAMS FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE

SEC. 627. (a) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, State and local educational agencies, and other appropriate public and private nonprofit institutions or agencies to establish projects for the purpose of improving special education and related services to children and youth with serious emotional disturbance. Such projects shall include—

(1) studies regarding the present state of special education and related services to such children and their families, including information and data to enable assessments of the status of such services over time;

(2) developing methodologies and curricula designed to improve special education and related services for these children and youth;

(3) developing and demonstrating strategies and approaches to reduce the use of out-of-community residential programs and the increased use of school district-based programs (which may include, but are not limited to, day treatment programs, after-school programs, and summer programs); or

(4) developing and demonstrating innovative approaches to assist children with emotional and behavioral problems from developing serious emotional disturbances that require the provision of special education and related services.

(b)(1) The Secretary is authorized to make grants, on a competitive basis, to local educational agencies in collaboration with mental health entities to provide services for children and youth with serious emotional disturbance. Such demonstration projects shall—

(A) increase the availability, access, and quality of community services for such children and youth and their families;

(B) improve working relationships among education, school, and community mental health and other relevant personnel, families of such children and youth, and their advocates;

(C) target resources to school settings, such as providing access to school and/or community mental health professionals and other community resources for students with serious emotional disturbance who are in community school settings; and

(D) take into account the needs of minority children and youth in all phases of project activity.

(2) Funds received under this subsection may also be used to facilitate interagency and private sector resource pooling to improve services for such children and youth and to provide information and training for those involved with, or who could be involved with, such children and youth.

(c) Each project assisted under this section shall—

(1) apply existing research outcomes from multi-disciplinary fields;

(2) use a grant evaluation plan that is outcome-oriented and that focuses on the benefits to individual children and youth;

(3) report on the effectiveness of such project; and

(4) disseminate the findings of such project, where appropriate, to the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance Parents Program (TAPP) assisted under this part and part D, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service System Program (CASSP) under the National Institute of Mental Health and other appropriate networks.

AUTHORIZATION OF APPROPRIATIONS

SEC. 628. (a) There are authorized to be appropriated to carry out section 621 $8,140,000 for fiscal year 1990, $8,950,000 for fiscal year 1991, $9,850,000 for fiscal year 1992, $10,830,000 for fiscal year 1993, and $11,900,000 for fiscal year 1994.

(b) There are authorized to be appropriated to carry out section 622 $19,900,000 for fiscal year 1990, $21,900,000 for fiscal year 1991, $24,100,000 for fiscal year 1992, $26,500,000 for fiscal year 1993, and $29,200,000 for fiscal year 1994.

(c) There are authorized to be appropriated to carry out section 623 $30,140,000 for fiscal year 1990, $33,200,000 for fiscal year 1991, $36,500,000 for fiscal year 1992, $40,120,000 for fiscal year 1993, and $44,120,000 for fiscal year 1994.

(d) There are authorized to be appropriated to carry out section 624 $8,700,000 for fiscal year 1990, $9,500,000 for fiscal year 1991, $10,500,000 for fiscal year 1992, $11,600,000 for fiscal year 1993, and $12,700,000 for fiscal year 1994.

(e) There are authorized to be appropriated to carry out section 625 $7,300,000 for fiscal year 1990, $8,000,000 for fiscal year 1991, $8,780,000 for fiscal year 1992, $9,660,000 for fiscal year 1993, and $10,630,000 for fiscal year 1994.

(f) There are authorized to be appropriated to carry out section 626 $8,900,000 for fiscal year 1990, $9,800,000 for fiscal year 1991, $10,800,000 for fiscal year 1992, $11,900,000 for fiscal year 1993, and $13,050,000 for fiscal year 1994.

(g) There are authorized to be appropriated to carry out section 626(e) $25,000,000 for fiscal year 1990, $27,500,000 for fiscal year 1991, $30,250,000 for fiscal year 1992, $33,275,000 for fiscal year 1993, and $36,602,000 for fiscal year 1994.

(h) There are authorized to be appropriated to carry out section 627 $5,000,000 for fiscal year 1990, $8,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, and $15,000,000 for fiscal year 1994.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

GRANTS FOR PERSONNEL TRAINING

SEC. 631. (a)(1) The Secretary may make grants, which may include scholarships with necessary stipends and allowances, to institutions of higher education (including university affiliated programs and satellite centers participating in programs under part D of the Developmental Disabilities Assistance and Bill of Rights Act) and other appropriate nonprofit agencies to assist them in *inservice and preservice training of personnel in special education, related services, and early intervention, including* training personnel for careers in special education and early intervention, including—

(A) special education teaching, including speech-language pathology and audiology, and [adaptive physical education] *adapted physical education and instructional and assistive technology services,*

[(B) related services to handicapped children and youth in educational settings,

[(C) special education supervision and administration,

[(D) special education research, and]

(B) related services to infants, toddlers, children and youth with disabilities in educational settings, and other settings,

(C) special education and other careers in preschool and early intervention services for infants and toddlers with disabilities,

(D) special education leadership, including supervision and administration (at the advanced graduate, doctoral and post doctoral levels), special education research, and special education personnel preparation (at the doctoral and post doctoral levels), and

(E) training of special education personnel and other personnel providing special services and pre-school and early inter-

vention services for [handicapped children] *children with disabilities.*

(2)(A) The Secretary shall base the award of grants under paragraph (1) on information relating to the present and projected need for the personnel to be trained based on identified State, regional, or national shortages *including the need for personnel in the provision of special education to children of limited-English proficiency,* and the capacity of the institution or agency to train qualified personnel, and other information considered appropriate by the Secretary.

(B) The Secretary shall ensure that grants are only made under paragraph (1) to applicant agencies and institutions that meet State and professionally recognized standards for the preparation of special education and related services personnel unless the grant is for the purpose of assisting the applicant agency or institution to meet such standards, *and that include in their applications a detailed description of strategies that will be utilized to recruit and train members of minority groups and persons with disabilities.*

(3) Grants under paragraph (1) may be used by institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary. *Minority students will have priority for receipt of any fellowships or traineeships made available by the institution under grants under paragraph (1).*

[(4) The Secretary in carrying out paragraph (1) may reserve a sum not to exceed 5 percent of the amount available for paragraph (1) in each fiscal year for contracts to prepare personnel in areas where shortages exist when a response to that need has not been adequately addressed by the grant process.]

(4) Any person receiving a fellowship under this subsection shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

(5) In making grants under subsection (a)(1), the Secretary may determine that a portion of training supported through such grants be conducted on an interdisciplinary basis, and shall be designed to assist special educators in properly coordinating service provision with related services personnel. Training programs funded under subsections (a)(1)(B) and (a)(1)(E) shall require practica to demonstrate the delivery of related services in an array of regular and special education and community settings.

(6) The Secretary in carrying out paragraph (1) shall make grants to Historically Black Colleges and Universities, and other institutions of higher education whose minority student enrollment is at least 25 percent.

(b) The Secretary may make grants to institutions of higher education, State agencies, and other appropriate [nonprofit agencies to conduct special projects to develop and demonstrate new approaches (including the application of new technology) for the preservice training purposes set forth in subsection (a), for regular educators, for the training of teachers to work in community and

school settings with handicapped secondary school students, and for the inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children and personnel providing early intervention services.] *nonprofit agencies and organizations to develop and demonstrate effective ways for preservice training programs to prepare regular educators to work with children and youth with disabilities and their families; for training teachers to work in community and school settings with secondary school students with disabilities and their families; for inservice and preservice training of personnel to work with infants, toddlers, children, and youth with disabilities and their families; for inservice and preservice training of personnel to work with minority infants, toddlers, children, and youth with disabilities and their families; for preservice and inservice training of special education and related services personnel in the use of assistive and instructional technology to benefit infants, toddlers, children, and youth with disabilities; and for the recruitment and retention of special education, related services, and early intervention personnel. Both preservice and inservice training shall include a component that addresses the coordination among all service providers, including regular educators.*

(c)(1) The Secretary may make grants through a separate competition to private nonprofit organizations for the purpose of providing training and information to [parents of handicapped children] *parents of infants, toddlers, children, and youth with disabilities* and persons who work with parents to enable such individuals to participate more effectively with professionals in meeting the educational needs of [handicapped children] *children with disabilities*. Such grants shall be designed to meet the unique training and information needs of [parents of handicapped children] *parents of infants, toddlers, children, and youth with disabilities* living in the area to be served by the grant, particularly those who are members of groups that have been traditionally underrepresented.

(2) In order to receive a grant under paragraph (1) a private nonprofit organization shall—

[(A) be governed by a board of directors of which a majority of the members are parents of handicapped children and which includes members who are professionals in the field of special education and related services who serve handicapped children and youth, or if the nonprofit private organization does not have such a board, such organization shall have a membership which represents the interests of individuals with handicapping conditions, and shall establish a special governing committee of which a majority of the members are parents of handicapped children and which includes members who are professionals in the fields of special education and related services, to operate the training and information program under paragraph (1),]

(A) be governed by a board of directors of which a majority of the members are parents of infants, toddlers, children, and youth with disabilities, particularly minority parents, and that includes members who are professionals, especially minority professionals, in the field of special education, early intervention, and related services, and individuals with disabilities, or,

if the nonprofit private organization does not have such a board, such organization shall have a membership that represents the interests of individuals with disabilities, and shall establish a special governing committee of which a majority of the members are parents of infants, toddlers, children, and youth with disabilities, particularly minority parents, and which includes members who are professionals, especially minority professionals, in the field of special education, early intervention, and related services, to operate the training and information program under paragraph (1), and parent and professional membership of these boards or special governing committees shall be representative of the proportion of minority individuals in the area;

(B) serve the parents of [children] *infants, toddlers, children, and youth* with the full range of [handicapping] *disabling* conditions under such grant program; and

(C) demonstrate the capacity and expertise to conduct effectively the training and information activities for which a grant may be made under paragraph (1), *and, for purposes of paragraph (1), network with clearinghouses, including those established under section 633 and other organizations and agencies, and network with other established national, State, and local parent groups representing the full range of parents of infants, toddlers, children, and youth with disabilities, especially minority parent groups.*

* * * * * * *

(4) The Secretary shall ensure that grants under paragraph (1) will—

(A) be distributed geographically to the greatest extent possible throughout all the [States and give priority to grants which involve unserved areas, and] *States and give priority to the establishment of 5 new experimental parent training and information centers to serve large numbers of parents of children with disabilities located in high density areas that do not have such centers,*

(B) be targeted to parents of [handicapped children] *children with disabilities* in both urban and rural areas or on a State or regional basis[.],

(C) serve parents of minority children with disabilities representative to the proportion of the minority population in the areas being served, and

(D) be funded at a level adequate to serve the parents in the area.

(5) Parent training and information programs assisted under paragraph (1) shall assist parents to—

(A) better understand the nature and needs of the [handicapping] *disabling* conditions of children,

(B) provide followup support for [handicapped] *disabled* children's educational programs,

(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals,

(D) participate in educational decisionmaking processes including the development of a [handicapped] *disabled* child's individualized education program,

[(E) obtain information about the programs, services, and resources available to handicapped children and the degree to which the programs, services, and resources are appropriate, and]

(E) obtain appropriate information about the range of options, programs, services, and resources available at the national, State, and local levels to assist infants, toddlers, children, and youth with disabilities and their families, and

(F) understand the provisions for the education of [handicapped children as specified under part B of this Act.] *infants, toddlers, children, and youth with disabilities under this Act.*

* * * * * * *

(7) Each private nonprofit organization operating a program receiving a grant under paragraph (1) shall consult [with appropriate agencies which] *and network with appropriate national, State, regional, and local agencies and organizations, such as protection and advocacy agencies, that* serve or assist [handicapped children and youth] *infants, toddlers, children, and youth with disabilities and their families* and are located in the jurisdictions served by the program.

* * * * * * *

(9) Effective for fiscal year 1991 and every year thereafter, the Secretary shall obtain data concerning programs and centers assisted under this subsection on—

(A) the number of parents provided information and training by disability category of their children,

(B) the types and modes of information or training provided,

(C) strategies used to reach and serve minority parents of infants, toddlers, children, and youth with disabilities,

(D) the number of parents served as a result of activities described under clause (iii),

(E) activities to network with other information clearinghouses and parent groups as required in subsection (c)(2)(C), and

(F) the number of agencies and organizations consulted with at the national, State, regional, and local levels.

The Secretary shall include a summary of this information in the annual report to Congress as required in section 618(g).

GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS

SEC. 632. (a) * * *

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(c) Grants made under this section shall be for the purpose of assisting States in establishing and maintaining preservice and in-service programs to prepare personnel to meet the needs of [handicapped] *disabled* infants, toddlers, children, and youth or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613 and under section 676(b)(8), *and for the*

purpose of assisting the State to develop and maintain its comprehensive system of personnel development and conduct recruitment and retention activities.

[CLEARINGHOUSES

[SEC. 633. (a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or a nonprofit private organization or institution for a national clearinghouse on the education of the handicapped and to make grants or contracts with a public agency or a nonprofit private organization or institution for other support projects which may be deemed necessary by the Secretary to disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning—

[(1) programs relating to the education of the handicapped under this Act and and under other Federal laws, and

[(2) participation in such programs, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance.

[(b) In addition to the clearinghouse established under subsection (a), the Secretary shall make a grant or enter into a contract for a national clearinghouse on postsecondary education for handicapped individuals for the purpose of providing information on available services and programs in postsecondary education for the handicapped.

[(c) The Secretary shall make a grant or enter into a contract for a national clearinghouse designed to encourage students to seek careers and professional personnel to seek employment in the various fields relating to the education of handicapped children and youth through the following:

[(1) Collection and dissemination of information on current and future national, regional, and State needs for special education and related services personnel.

[(2) Dissemination of information to high school counselors and others concerning current career opportunities in special education, location of programs, and various forms of financial assistance (such as scholarships, stipends, and allowances).

[(3) Identification of training programs available around the country.

[(4) Establishment of a network among local and State educational agencies and institutions of higher education concerning the supply of graduates and available openings.

[(5) Technical assistance to institutions seeking to meet State and professionally recognized standards.

[(d)(1) In awarding the grants and contracts under this section, the Secretary shall give particular attention to any demonstrated experience at the national level relevant to performance of the functions established in the section, and ability to conduct such projects, communicate with the intended consumers of information, and maintain the necessary communication with other agencies and organizations.

[(2) The Secretary is authorized to make contracts with profit-making organizations under this section only when necessary for materials or media access.]

CLEARINGHOUSES

SEC. 633. (a) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public agencies or private nonprofit organizations or institutions for the establishment of three national clearinghouses: on children and youth with disabilities; on postsecondary education for individuals with disabilities; and on careers in special education, to—

(1) collect, develop, and disseminate information,

(2) provide technical assistance,

(3) conduct coordinated outreach activities,

(4) provide for the coordination and networking with other relevant national, State, and local organizations and information and referral resources,

(5) respond to individuals and organizations seeking information, and

(6) provide for the synthesis of information for its effective utilization by parents, professionals, individuals with disabilities, and other interested parties.

(b) The national clearinghouse for children and youth with disabilities shall:

(1) Collect and disseminate information (including the development of materials) on characteristics of infants, toddlers, children, and youth with disabilities and on programs, legislation, and services relating to their education under this Act and other Federal laws.

(2) Participate in programs and services related to disability issues for providing outreach, technical assistance, collection, and dissemination of information; and promoting networking of individuals with appropriate national, State, and local agencies and organizations.

(3) Establish a coordinated network and conduct outreach activities with relevant Federal, State, and local organizations and other sources for promoting public awareness of disability issues and the availability of information, programs, and services.

(4) Collect, disseminate, and develop information on current and future national, Federal, regional, and State needs for providing information to parents, professionals, individuals with disabilities, and other interested parties relating to the education and related services of individuals with disabilities.

(5) Provide technical assistance to national, Federal, regional, State and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families.

(6) In carrying out the activities in this subsection, the clearinghouse will include strategies to disseminate information to underrepresented groups such as limited English proficiency.

(c) The national clearinghouse on postsecondary education for individuals with disabilities shall:

(1) Collect and disseminate information nationally on characteristics of individuals entering and participating in education and training programs after high school; legislation affecting such individuals and such programs; policies, procedures, and support services, as well as adaptations, and other resources available or recommended to facilitate the education of individuals with disabilities; available programs and services that include, or can be adapted to include, individuals with disabilities; and sources of financial aid for the education and training of individuals with disabilities.

(2) Identify areas of need for additional information.

(3) Develop new materials (in both print and nonprint form), especially by synthesizing information from a variety of fields affecting disability issues and the education, rehabilitation, and retraining of individuals with disabilities.

(4) Develop a coordinated network of professionals, related organizations and associations, mass media, other clearinghouses, and governmental agencies at the Federal, regional, State, and local level for the purposes of disseminating information and promoting awareness of issues relevant to the education of individuals with disabilities after high school and referring individuals who request information to local resources.

(5) Respond to requests from individuals with disabilities, their parents, and professionals who work with them, for information that will enable them to make appropriate decisions about postsecondary education and training.

(d) The national clearinghouse designed to encourage students to seek careers and professional personnel to seek employment in the various fields relating to the education of children and youth with disabilities shall:

(1) Collect and disseminate information on current and future national, regional, and State needs for special education and related services personnel.

(2) Disseminate information to high school counselors and others concerning current career opportunities in special education, location of programs, and various forms of financial assistance (such as scholarships, stipends, and allowances).

(3) Identify training programs available around the country.

(4) Establish a network among local and State educational agencies and institutions of higher education concerning the supply of graduates and available openings.

(5) Provide technical assistance to institutions seeking to meet State and professionally recognized standards.

(e)(1) In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give priority attention to any applicant with demonstrated experience (at the national level) in performing the functions established in this section; and with the ability to conduct such projects, communicate with intended consumers of information, and maintain the necessary communication with national, regional, State and local agencies and organizations.

(2) In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give priority attention to any applicant with demonstrated experience (at the national level) in

providing informational services to minorities and minority organizations.

(3) The Secretary is authorized to make contracts through the clearinghouse with profit-making organizations only when necessary for materials or media access.

(f)(1) Beginning in fiscal year 1991, and for each year thereafter, the Secretary shall obtain information on each project assisted under this section, including—

(A) as appropriate, by disability category, the number of individuals served, including parents, professionals, students, and individuals with disabilities;

(B) a description of responses utilized;

(C) a listing of new products developed and disseminated; and

(D) a description of strategies and activities utilized for outreach to urban and rural areas with populations of minorities and underrepresented and underserved groups.

(2) A summary of the data required by this subsection shall be included in the annual report to Congress required under section 618 of this Act.

REPORTS TO THE SECRETARY

SEC. 634. (a) Not more than sixty days after the end of any fiscal year, each recipient of a grant or contract under this part during such fiscal year shall prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

(1) the number of individuals trained under the grant or contract, by category of training and level of training; [and]

(2) the number of individuals trained under the grant or contract receiving degrees and certification, by category and level of training[.]; *and*

(3) information required under section 631(c)(9) and section 633(f)(1).

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 635. [(a) There are authorized to be appropriated to carry out this part (other than section 633) $70,400,000 for fiscal year 1987, $74,500,000 for fiscal year 1988, and $79,000,000 for fiscal year 1989. There are authorized to be appropriated to carry out section 633, $1,200,000 for fiscal year 1987, $1,900,000 for fiscal year 1988, and $2,000,000 for fiscal year 1989.] *(a)(1) There are authorized to be appropriated to carry out this part (other than sections 631(a)(6), 631(c), and 633) $86,900,000 for fiscal year 1990, $95,600,000 for fiscal year 1991, $105,150,000 for fiscal year 1992, $115,660,000 for fiscal year 1993, and $127,200,000 for fiscal year 1994.*

(2) * * *

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PART E—RESEARCH IN THE EDUCATION OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

[RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

[SEC. 641. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities to assist special education personnel, related services personnel, early intervention personnel, and other appropriate persons, including parents, in improving the special education and related services and early intervention services for handicapped infants, toddlers, children, and youth, and to conduct research, surveys, or demonstrations relating to the provision of services to handicapped infants, toddlers, children, and youth. Research and related activities shall be designed to increase knowledge and understanding of handicapping conditions, and teaching, learning, and education-related developmental practices and services for handicapped infants, toddlers, children, and youth. Research and related activities assisted under this section shall include the following:

[(1) The development of new and improved techniques and devices for teaching handicapped infants, toddlers, children, and youth.

[(2) The development of curricula which meet the unique educational and developmental needs of handicapped infants, toddlers, children, and youth.

[(3) The application of new technologies and knowledge for the purpose of improving the instruction of handicapped infants, toddlers, children, and youth.

[(4) The development of program models and exemplary practices in areas of special education and early intervention.

[(5) The dissemination of information on research and related activities conducted under this part to regional resource centers and interested individuals and organizations.

[(6) The development of instruments, including tests, inventories, and scales, for measuring progress of handicapped infants, toddlers, children, and youth across a number of developmental domains.

[(b) In carrying out subsection (a), the Secretary shall consider the special education or early intervention experience of applicants under such subsection.

[(c) The Secretary shall publish proposed research priorities in the Federal Register every 2 years, not later than July 1, and shall allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments, the Secretary shall publish final research priorities in the Federal Register not later than 30 days after the close of the comment period.

[(d) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618. The Secre-

tary shall make reports of research projects available to the education community at large and to other interested parties.

[(e) The Secretary shall coordinate the research priorities established under subsection (c) with research priorities established by the National Institute on Disability and Rehabilitation Research and shall provide information concerning research priorities established under such subsection to the National Council on Disability and to the Bureau of Indian Affairs Advisory Committee for Exceptional Children.]

IMPROVEMENT OF INSTRUCTION AND LEARNING OF CHILDREN WITH DISABILITIES

SEC. 641. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, other public agencies and nonprofit private organizations for the purpose of advancing and improving the knowledge base and improve the practice of professionals, parents, and others providing early intervention, special education, and related services, including professionals who work with children and youth with disabilities in regular education environments, to provide such children effective instruction and enable them to successfully learn. The activities supported under this section shall support innovation, development, exchange, and use of such advancements in knowledge and practice designed to contribute to the improvement of instruction and learning of infants, toddlers, children, and youth with disabilities. In carrying out this section, the Secretary may support a wide range of research and related activities designed to—

(1) advance knowledge about the provision of instruction and other interventions to infants, toddlers, children, and youth with disabilities including, but not limited to—

(A) the organization, synthesis, and interpretation of current knowledge and the identification of knowledge gaps;

(B) the identification of knowledge and skills competency needed by personnel providing special education, related services, and early intervention services;

(C) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of interventions and instruction;

(D) the evaluation of approaches and interventions;

(E) the development of instructional strategies, techniques, and activities;

(F) the improvement of curricula and instructional tools such as textbooks, media, materials, and instructional technology;

(G) the development of assessment techniques, instruments (including tests, inventories, and scales), and strategies for measurement of progress and the identification, location, and evaluation of infants, toddlers, children, and youth with disabilities for the purpose of determining eligibility, program planning and placement for special educa-

tion, related services and early intervention services. Particular attention should be given to the development of alternative assessment procedures and processes for minority individuals and those with limited English proficiency;

(H) the testing of research findings in practice settings to determine their application, usability, effectiveness, and generalizability;

(I) the identification of environmental, organizational, resource, and other conditions necessary for effective professional practice; and

(J) the improvement of knowledge regarding families, minorities, limited-English proficiency, and handicapping conditions; and

(2) advance the utilization of knowledge by professionals and others providing special education, related services, and early intervention including, but not limited to—

(A) the improvement of knowledge regarding how professionals and others providing special education, related services, and early intervention learn new knowledge and skills and strategies for effectively facilitating such learning in both preservice and in-service education;

(B) the organization, integration, and presentation of knowledge so that it can be incorporated and imparted in personnel preparation and continuing education programs and other relevant training and communication vehicles; and

(C) the expansion and improvement of networks that exchange knowledge and practice information, such as the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D of this Act, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, and other appropriate networks.

(b) In carrying out subsection (a), the Secretary shall consider the special education, related services, or early intervention and research experience of applicants.

(c) The Secretary shall publish proposed priorities under this part in the Federal Register every 2 years, not later than July 1, and shall allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments, the Secretary shall publish final priorities in the Federal Register not later than 60 days after the close of the comment period.

(d) The Secretary shall provide an index (including the title of each project and the name and address of the funded organization) of all projects conducted under this part in the prior fiscal year in the annual report described under section 618. The Secretary shall make reports of projects available to the education community at large and to other interested parties.

(e)(1) The Secretary shall make grants, or enter into contracts or cooperative agreements, for the establishment of model demonstration programs, of which some will be school-based models, that provide the services of an ombudsman to assist in resolving problems

that are barriers to appropriate educational, related services, or other services for children and youth with disabilities.

(2) Programs under paragraph (1) shall provide or identify personnel to assist children and youth with disabilities, their parents or guardians, special and regular education teachers, State and local education administrators, and related services personnel to resolve problems in a timely manner through dispute mediation and other methods, notwithstanding due process procedures, in order to further the delivery of appropriate education and related services. Participation in this program does not preclude or delay due process under this Act.

(3) Ombudsman services for programs under paragraph (1) shall be provided by social workers, parent advocates, psychologists, and persons with similar qualifications designated by the Secretary.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SEC. 642. The Secretary is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or [recreation for handicapped children] *recreation for children with disabilities, including therapeutic recreation*, and to conduct research, surveys, or demonstrations relating to physical education or [recreation for handicapped children] *recreation for children with disabilities, including therapeutic recreation.*

[PANELS OF EXPERTS

[SEC. 643. (a) The Secretary shall convene, in accordance with subsection (b), panels of experts who are competent to evaluate proposals for projects under parts C through G. The panels shall be composed of—

[(1) individuals from the field of special education for handicapped individuals and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals, and

[(2) handicapped individuals and parents of handicapped individuals when appropriate.

[(b)(1) The Secretary shall convene panels under subsection (a) for any application which includes a total funding request exceeding $60,000 and may convene or otherwise appoint panels for applications which include funding requests that are less than such amount.

[(2) Such panels shall include a majority of non-Federal members. Such non-Federal members shall be provided travel and per diem not to exceed the rate provided to other educational consultants used by the Department and shall be provided consultant fees at such a rate.

[(c) The Secretary may use funds available under parts C through G to pay expenses and fees of non-Federal members under subsection (b).

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 644. For purposes of carrying out this part, there are authorized to be appropriated $18,000,000 for fiscal year 1987, $19,000,000 for fiscal year 1988, and $20,100,000 for fiscal year 1989.]

AUTHORIZATION OF APPROPRIATIONS

Sec. 643. For purposes of carrying out this part, there are authorized to be appropriated $22,100,000 for fiscal year 1990, $24,300,000 for fiscal year 1991, $26,800,000 for fiscal year 1992, $29,400,000 for fiscal year 1993, and $32,400,000 for fiscal year 1994.

PART F—INSTRUCTIONAL MEDIA FOR [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

PURPOSES

SEC. 651. [(a)] The purposes of this part are to promote—

(1) the general welfare of deaf individuals by—

(A) bringing to such individuals understanding and appreciation of those films *and television programs* that play such an important part in the general and cultural advancement of hearing individuals;

(B) providing through these films *and television programs* enriched educational and cultural experiences through which deaf individuals can be brought into better touch with the realities of their environment; [and]

(C) providing a wholesome and rewarding experience which deaf individuals may share together; and

(D) utilizing educational media to help eliminate illiteracy among individuals with disabilities;

(2) the educational advancement of [handicapped individuals] *individuals with disabilities* by—

(A) carrying on research in the use of educational media for [handicapped individuals] *individuals with disabilities*;

(B) producing and distributing educational media for the use of [handicapped individuals] *individuals with disabilities*, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of [handicapped individuals] *individuals with disabilities*; and

(C) training individuals in the use of educational media for the instruction of [handicapped individuals] *individuals with disabilities*[.];*and*

(3) the general welfare of visually impaired individuals by—

(A) bringing to such individuals an understanding and appreciation of textbooks, films, television programs, video material, and other educational publications and materials

that play such an important part in the general and cultural advancement of visually unimpaired individuals; and

(B) ensuring access to television programming and other video materials.

CAPTIONED FILMS, *TELEVISION, DESCRIPTIVE VIDEO,* AND EDUCATIONAL MEDIA FOR [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

SEC. 652. (a) The Secretary shall establish a loan service of captioned films, *descriptive video* and educational media for the purpose of making such materials available, in accordance with regulations, in the United States for nonprofit purposes to [handicapped individuals] *individuals with disabilities*, parents of [handicapped individuals] *individuals with disabilities*, and other individuals directly involved in activities for the advancement of [handicapped individuals] *individuals with disabilities*, including for the purpose of addressing problems of illiteracy among [handicapped individuals] *individuals with disabilities*.

(b) The Secretary is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary for the administration of this part;

(3) provide, by grant or contract, for the [captioning of films] *captioning for the hearing impaired, and video description for the visually impaired, of films, television programs, and video materials*;

(4) provide, by grant or contract, for the distribution of [captioned films] *captioned and video-described films, video materials*, and other educational media and equipment through State schools for [handicapped individuals] *individuals with disabilities*, public libraries, and such other agencies *or entities* as the Secretary may deem appropriate to serve as local or regional centers for such distribution;

(5) provide, by grant or contract, for the conduct of research in the use of educational and training films and other educational media for [handicapped individuals] *individuals with disabilities*, for the production and distribution of educational and training films and other educational media for [handicapped individuals] *individuals with disabilities* and the training of individuals in the use of such films and media, including the payment to those individuals of such stipends (including allowances for travel and other expenses of such individuals and their dependents) as the Secretary may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

* * * * * * *

(c) The Secretary may make grants to or enter into contracts or cooperative agreements with the National Theatre of the Deaf, Inc. for the purpose of providing theatrical experiences to—

(1) enrich the lives of deaf children and adults,

(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf individuals, and

(3) promote the integration of hearing and deaf individuals through shared cultural, *educational, and social* experiences.

(d)(1) The Secretary is authorized to make a grant to, or enter into a contract with, Recording for the Blind, Inc., for the purpose of providing current, free textbooks and other educational publications and materials to blind and other print-handicapped students in elementary, secondary, postsecondary, and graduate schools and other institutions of higher education through the medium of transcribed tapes and cassettes.

(2) For the purpose of this subsection, the term "print-handicapped" refers to any individual who is blind or severely visually impaired, or who, by reason of a physical or perceptual disability, is unable to read printed material unassisted.

[AUTHORIZATION

[SEC. 653. For the purposes of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1987, $15,750,000 for fiscal year 1988, and $16,540,000 for fiscal year 1989.]

AUTHORIZATION OF APPROPRIATIONS

Sec. 653. (a) For the purpose of carrying out section 652 (other than subsection (d)), there are authorized to be appropriated $18,200,000 for fiscal year 1990, $20,010,000 for fiscal year 1991, $22,010,000 for fiscal year 1992, $24,200,000 for fiscal year 1993, and $26,600,000 for fiscal year 1994.

(b) For the purpose of carrying out section 652(d), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1990 through 1994.

PART G—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

FINANCIAL ASSISTANCE

SEC. 661. *(a)* The Secretary may make grants or enter into contracts or cooperative agreements with institutions of higher education, State and local educational agencies, or other appropriate agencies and organizations for the purpose of advancing the use of new technology, media, and materials in the education of [handicapped students] *students with disabilities* and the [provision of early intervention] *provision of related services and early intervention services* to [handicapped infants and toddlers] *infants and toddlers with disabilities*. In carrying out this section, the Secretary may fund projects or centers for the purposes of—

(1) determining how technology, *assistive technology*, media, and materials are being used in the education of [handicapped individuals] *individuals with disabilities* and how they can be used [more effectively] *most effectively, efficiently, and appropriately*,

(2) designing and adapting [new technology,] *technology, assistive technology,* media, and materials to improve the education of [handicapped students] *students with disabilities,*

(3) assisting the public and private sectors in the development and marketing of [new technology,] *technology, assistive technology,* media, and materials for the education of [handicapped individuals] *individuals with disabilities,* [and]

(4) disseminating information on the availability and use of [new technology,] *technology, assistive technology,* media, and materials for the education of [handicapped individuals] *individuals with disabilities, where appropriate, to the Regional and Federal Resource Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, and other appropriate networks*[.], *and*

(5) examining how these purposes can address the problem of illiteracy among individuals with disabilities.

(b)(1) With respect to new technology, media, and materials utilized with funds under this part to improve the education of students with disabilities, the Secretary shall make efforts to ensure that such instructional materials are closed-captioned.

(2) The Secretary may not award a grant, contract, or cooperative agreement under paragraphs (1) through (4) of subsection (a) unless the applicant for such assistance agrees that activities carried out with the assistance will be coordinated, as appropriate, with the State entity receiving funds under title I of Public Law 100-407.

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 662. For the purposes of carrying out this part, there are authorized to be appropriated $10,000,000 for fiscal year 1987, $10,500,000 for fiscal year 1988, and $11,025,000 for fiscal year 1989.]

AUTHORIZATION OF APPROPRIATIONS

Sec. 662. For the purpose of carrying out this part, there are authorized to be appropriated $12,130,000 for fiscal year 1990, $13,300,000 for fiscal year 1991, $14,700,000 for fiscal year 1992, $16,140,000 for fiscal year 1993, and $17,800,000 for fiscal year 1994.

PART H—[HANDICAPPED INFANTS AND TODDLERS] *INFANTS AND TODDLERS WITH DISABILITIES*

FINDINGS AND POLICY

SEC. 671. (a) FINDINGS.—The Congress finds that there is an urgent and substantial need—

(1) to enhance the development of [handicapped infants and toddlers] *infants and toddlers with disabilities* and to minimize their potential for developmental delay,

(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after [handicapped infants and toddlers] *infants and toddlers with disabilities* reach school age,

(3) to minimize the likelihood of institutionalization of [handicapped individuals] *individuals with disabilities* and maximize the potential for their independent living in society, and

(4) to enhance the capacity of families to meet the special needs of their [handicapped infants and toddlers] *infants and toddlers with disabilities.*

(b) POLICY.—It is therefore the policy of the United States to provide financial assistance to States—

(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families,

(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage), and

(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to [handicapped] *disabled* infants, toddlers, and their families.

DEFINITIONS

SEC. 672. As used in this part—

(1) The term "[handicapped infants and toddlers] *infants and toddlers with disabilities*" means individuals from birth to age 2, inclusive, who need early intervention services because they—

(A) * * *

* * * * * * * *

(2) The term "early intervention services" are developmental services which—

(A) are provided under public supervision,

(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees,

(C) are designed to meet a [handicapped] *disabled* infant's or toddler's developmental needs in any one or more of the following areas:

(i) * * *

* * * * * * * *

(E) include—

(i) * * *

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(ix) early identification, screening, and assessment services, [and]

(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services, *and*

(xi) social work services,

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GENERAL AUTHORITY

SEC. 673. The Secretary shall, in accordance with this part, make grants to States (from their allocations under section 684) to assist each State to develop a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families.

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CONTINUING ELIGIBILITY

SEC. 675. (a) * * *

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(d) EXCEPTION.—Notwithstanding subsections (a) and (b), a State which has in effect a State law, enacted before September 1, 1986, that requires the provision of free appropriate public education to [handicapped children] *children with disabilities* from birth through age 2, inclusive, shall be eligible for a grant under section 673 for the first through fourth years of a State's participation under this part.

REQUIREMENTS FOR STATEWIDE SYSTEM

SEC. 676. (a) IN GENERAL.—A statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention services to all [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families shall include the minimum components under subsection (b).

(b) MINIMUM COMPONENTS.—The statewide system required by subsection (a) shall include, at a minimum—

(1) a definition of the term "developmentally delayed" that will be used by the State in carrying out programs under this part,

(2) timetables for ensuring that appropriate early intervention services will be available to all [handicapped infants and toddlers] *infants and toddlers with disabilities* in the State before the beginning of the fifth year of a State's participation under this part,

(3) a timely, comprehensive, multidisciplinary evaluation of the functioning of each [handicapped] *disabled* infant and toddler in the State and the needs of the families to appropriately assist in the development of the [handicapped infant or toddler] *infant or toddler with disabilities*,

(4) for each [handicapped] *disabled* infant and toddler in the State, an individualized family service plan in accordance with section 677, including case management services in accordance with such service plan,

(5) a comprehensive child find system, consistent with part B of this Act, including a system for making referrals to service

providers that includes timelines and provides for participation by primary referral sources,

(6) a public awareness program focusing on early identification of [handicapped infants and toddlers] *infants and toddlers with disabilities, including the preparation and dissemination by the lead agency to all primary referral sources of information materials for families on the availability of early intervention services,*

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(8) a comprehensive system of personnel development, *including training of primary referral sources respecting the basic components of early intervention services available in the State,*

(9) a single line of responsibility in a lead agency designated or established by the Governor for carrying out—

(A) * * *

* * * * * * *

(D) the development of procedures to ensure that services are provided to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families in a timely manner pending the resolution of any disputes among public agencies or service providers,

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(13) policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including—

(A) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services, and

(B) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State, [and]

(14) a system for compiling data on the numbers of [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families in the State in need of appropriate early intervention services (which may be based on a sampling of data), the numbers of such infants and toddlers and their families served, the types of services provided (which may be based on a sampling of data), and other information required by the Secretary[.], *and*

(15) procedures for determining the extent to which primary referral sources, especially hospitals and physicians, disseminate information on the availability of early intervention services as required under paragraph (6) to parents of infants with disabilities.

INDIVIDUALIZED FAMILY SERVICE PLAN

SEC. 677. (a) ASSESSMENT AND PROGRAM DEVELOPMENT.—Each [handicapped infant or toddler] *infant or toddler with disabilities* and the infant's or toddler's family shall receive—

(1) * * *

* * * * * * *

(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psychosocial development, and self-help skills, based on acceptable objective criteria,

(2) a statement of the family's strengths and needs relating to enhancing the development of the family's [handicapped infant or toddler] *infant or toddler with disabilities*,

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(7) the steps to be taken supporting the transition of the [handicapped] *disabled* toddler to services provided under part B of this Act to the extent such services are considered appropriate.

STATE APPLICATION AND ASSURANCES

SEC. 678. (a) * * *

(b) STATEMENT OF ASSURANCES.—Any State desiring to receive a grant under section 673 shall file with the Secretary a statement at such time and in such manner as the Secretary may reasonably require by regulation. Such statement shall—

(1) * * *

* * * * * * *

(5) provide satisfactory assurance that Federal funds made available under section 673 (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families and in no case to supplant such State and local funds,

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USES OF FUNDS

SEC. 679. In addition to using funds provided under section 673 to plan, develop, and implement the statewide system required by section 676, a State may use such funds—

(1) for direct services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families that are not otherwise provided from other public or private sources, and

(2) to expand and improve on services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families that are otherwise available.

PROCEDURAL SAFEGUARDS

SEC. 680. The procedural safeguards required to be included in a statewide system under section 676(b)(12) shall provide, at a minimum, the following:

(1) * * *

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(4) Procedures to protect the rights of the [handicapped infant or toddler] *infant or toddler with disabilities* whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the [handicapped infant or toddler] *infant or toddler with disabilities* whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the [handicapped infant or toddler] *infant or toddler with disabilities.*

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PAYOR OF LAST RESORT

SEC. 681. (a) * * *

(b) REDUCTION OF OTHER BENEFITS.—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to medicaid for [handicapped infants and toddlers] *infants and toddlers with disabilities*) within the State.

STATE INTERAGENCY COORDINATING COUNCIL

SEC. 682. (a) * * *

(b) COMPOSITION.—The Council shall be composed of—

(1) at least 3 parents of [handicapped] *disabled* infants or toddlers or [handicapped children] *children with disabilities* aged 3 through 6, inclusive,

(2) * * *

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(5) other members representing each of the appropriate agencies involved in the provision of or payment for early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families, and

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(e) FUNCTIONS OF COUNCIL.—The Council shall—

(1) * * *

* * * * * * *

(3) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs

for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families operated within the State.

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FEDERAL ADMINISTRATION

SEC. 683. Sections 616, 617, and 620 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

(1) any reference to a State educational agency shall be deemed to be a reference to the State agency established or designated under section 676(b)(9),

(2) any reference to the education of [handicapped children] *children with disabilities* and the education of all [handicapped children] *children with disabilities* and the provision of free public education to all [handicapped children] *children with disabilities* shall be deemed to be a reference to the provision of services to [handicapped infants and toddlers] *infants and toddlers with disabilities* in accordance with this part, and

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ALLOCATION OF FUNDS

SEC. 684. (a) * * *

(b)(1) The Secretary shall make payments to the Secretary of the Interior according to the need for such assistance for the provision of early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families on reservations serviced by the elementary and secondary schools operated for Indians by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

(2) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary an application which meets the requirements of section 678 and which is approved by the Secretary. Section 616 shall apply to any such application.

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